



VITHALBHAI PATEL  
BIRTH CENTENARY  
1973

*A SOUVENIR*

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LOK SABHA SECRETARIAT  
NEW DELHI

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## P R E F A C E

*This Souvenir is brought out on the occasion of the Birth Centenary of late Shri Vithalbai Patel, who was the President of the Central Legislative Assembly from 1925 to 1930.*

*We are grateful to the President, Vice-President, Prime Minister and Presiding Officers of State Legislatures who have so kindly sent their messages on this occasion. We also express our gratitude to Shri M. Ananthasayanam Ayyangar, former Speaker of Lok Sabha, Shri Kasturbhai Lalbhai—a contemporary of President Patel and the Presiding Officers and Secretaries of State Legislatures, who have contributed articles on President Patel for this Souvenir.*

**S. L. SHAKDHER,**  
*Secretary-General,*  
*Lok Sabha.*

**NEW DELHI;**  
*February 11, 1974*

# MESSAGES

## MESSAGE FROM THE PRESIDENT



RASHTRAPATI NILAYAM,  
BOLARUM,  
(ANDHRA PRADESH)

*September 17, 1973.*

It gives me great pleasure to offer my tribute to the memory of Vithalbhai Patel on the occasion of his birth centenary. This eminent son of India was a great parliamentarian whose services in the cause of the country's freedom will ever be remembered. As President of the Central Legislative Assembly during pre-independence days, he left an indelible imprint of his forceful personality not only on the proceedings of the legislature but on the freedom movement itself. He insisted that the impartiality and independence of the Chair were beyond question, and that was the only way to safeguard the rights and privileges of members to the fullest measure.

I hope Vithalbhai Patel's life and example of hard work and selfless service will prove inspiring to the present and successive generations of legislators and parliamentarians.



(V. V. GIRI)

MESSAGE FROM THE  
VICE-PRESIDENT



VICE-PRESIDENT  
INDIA  
NEW DELHI

14th October 1973

I am glad to learn that the Lok Sabha Secretariat will bring out a commemoration volume on the occasion of the Birth Centenary of the late Shri Vithalbhai Patel.

Shri Vithalbhai Patel was an eminent patriot who rendered valuable service to the country in many fields. He commenced his public life as a member of the Borsad Talukha Board but rapidly moved to larger spheres such as the Bombay Legislative Council, the Imperial Legislative Council and the Central Legislative Assembly. He will be long remembered in the annals of India's parliamentary life as the first Indian to become the President of the Central Legislative Assembly—an office which he held with special distinction. As Speaker he was responsible for creating many healthy and sound traditions and practices in Parliament.

While unveiling the portrait of Shri Vithalbhai Patel in Parliament House on March 8, 1948, Pandit Jawaharlal Nehru said that the Speaker is "the symbol of the nation's freedom and liberty." Shri Vithalbhai Patel as Speaker of the Central Legislative Assembly fitted this description perfectly.

I congratulate the Lok Sabha Secretariat on its decision to publish a commemoration volume as a mark of tribute to Shri Vithalbhai Patel, and wish the project success.

## MESSAGE FROM THE PRIME MINISTER



PRIME MINISTER'S HOUSE  
NEW DELHI.

*October 2, 1973.*

Shri Vithalbhair Patel, the centenary of whose birth we celebrate this year, was a fighter and a parliamentarian of great distinction. As President of the Central Legislative Assembly, Vithalbhair Patel's main concern was to wrest more power to the people. He brought lustre to the parliamentary tradition and all freedom fighters were thrilled by his rulings. On the attainment of Independence we came to have a Parliament which was the unchallenged guardian of national freedom. Its function continues to be the consolidation and enlargement of freedom in its political, economic and social aspects. Parliamentarians must indeed be grateful to Vithalbhair Patel and learn from his life and example.

*Indira Gandhi*

(INDIRA GANDHI)

## MESSAGE

*from*

**THIRU C. P. CHITRARASU**

*Chairman, Tamil Nadu Legislative Council*

**FORT ST. GEORGE**

**MADRAS-9**

*October 10, 1973*

It is gratifying to note that the Lok Sabha Secretariat is bringing out a Commemoration Volume to celebrate the birth centenary of late Shri Vithalbhai Patel, the first non-official elected President of the Indian (Central) Legislative Assembly. His election marked the ushering in of a new era in Indian Parliamentary history. He was a pioneer in ridding Parliament of the dominant control of the Executive. His rulings were always marked with independence of judgment and sought to maintain the supremacy of the Parliament in all matters.

He gave a great impetus to the Conference of Presiding Officers of Parliament and the Legislatures which continues to have its deliberations annually to shape nascent Indian democracy.

He strove hard to separate the Legislature Secretariat from the control of the Executive Government and after a relentless struggle, achieved this at the Centre. It was remarkable that despite his rulings which were not to the liking of the Government of the day, he had the unique fortune of being re-elected President of the Assembly for a second term. He was a true Speaker and maintained the great traditions of the Office as set up in the House of Commons.

I wish all success for the publication of the Commemoration Volume.

**C. P. CHITRARASU**

## MESSAGE

*from*

**PULAVAR K. GOVINDAN, M.A.**

*Speaker, Tamil Nadu Legislative Assembly*

**FORT ST. GEORGE**

**MADRAS-9**

I am happy to learn that the Lok Sabha Secretariat is bringing out a Commemoration Volume to mark the birth Centenary of late Thiru Vithalbhai Patel.

We all remember the late Thiru Vithalbhai Patel as the first Indian President of the Central Legislative Assembly. He was firmly convinced that the struggle for Independence must be waged inside the Legislature and outside in the country by propaganda and public pressure. He was a great intellectual and his manner of conducting the Legislative Assembly evoked praise even from the Britishers in the Treasury Benches. His strict impartiality and the great dignity with which he functioned as President of the Assembly will be a model for all of us to follow. Emulating him, let us all set up high standards of Parliamentary conventions on which depends the healthy growth of democracy of our country.

**K. GOVINDAN**

## ARTICLES

## A GREAT PATRIOT

*[Speech of Shri G. S. Pathak, the Vice-President of India on the occasion of the release of Vithalbhai Patel commemorative postage stamp at the Central Hall of Parliament House, on the 27th September, 1973.]*

It gives me great pleasure to be here today to release the commemorative postage stamp issued in honour of Shri Vithalbhai Patel on the occasion of his birth centenary. I am glad to have this opportunity to pay my homage to the memory of a great patriot and freedom fighter, and a great parliamentarian. It is very appropriate that this function should be held in the Central Hall of the Parliament House where Vithalbhai Patel made history as the first Indian ~~Speaker~~ of the Central Assembly.

The main points of Vithalbhai Patel's life are well known. He was born one hundred years ago, in a humble family, at Karmasad. After schooling he studied law in the Gokhale Institute at Bombay. After passing the Pleaders' Examination he started legal practice and made a name as an able and successful lawyer. Later he proceeded to England where he pursued legal studies further, and was called to the Bar in 1908. On return to India he set up legal practice in Bombay, but this was only a brief prelude to his entry into active public life.

His achievements as a member of the Borsad Taluk Board, the Kaira District Local Board and the Corporation of Bombay were noteworthy, and were followed by even greater achievements in the Bombay Legislative Council and later, in the Central Legislature at Delhi.

Vithalbai Patel, along with his equally illustrious brother, Vallabhbhai, was the inheritor of a tradition to fearless sacrifice and patriotic service for the cause of the nation. He was closely associated with the freedom struggle during the early decades of the present century, and has left the impress of his great personality on the history of those times.

Vithalbai Patel was elected to the Imperial Legislative Council in 1918 and to the Central Legislative Assembly in 1924. He was indeed an outstanding pioneer of parliamentary life in our country who appears to have had a prescience of the vital position which Parliament would acquire

in Independent India. As the first Indian to be elected as President of the Central Assembly in 1925, he displayed an ability and independence which made his five year tenure memorable and historic. Fearless, firm and impartial, his rulings from the Chair were marked by a profound knowledge of Parliamentary procedure and rules and have created, for posterity, very sound and valuable traditions and practices. He was an intellectual force, had sturdy judgment and a most remarkable independence of character. He held this high office with unique distinction until his resignation on political grounds. When he died on October 23, 1933, at Geneva, India lost one of its greatest sons, and the people mourned the loss of a veteran leader of rare integrity. But the spirit of the great man still lives to inspire and guide us in our endeavours to reach our goal of unity, prosperity and strength.

I congratulate the Department of Posts and Telegraphs on the scheme they have been following

of honouring the memory of great men and women through memorial postage stamps. These stamps are permanent and valuable mementos cherished by all people whether they are philatelists or not. In view of the importance and popularity of these tokens the P&T Department could perhaps consider whether the stamps can be improved in quality. I understand that there are already some

sophisticated processes available for this purpose and that if they are used, it would be possible to improve the quality of our stamps even further.

I have now much pleasure in releasing the Vithalbhai Patel Commemorative Stamp.

Jai Hind

# THE CONTRIBUTION OF SHRI VITHALBHAI PATEL TO THE OFFICE OF THE SPEAKER

*by*

DR. G. S. DHILLON,  
*Speaker, Lok Sabha.*

As I sit in the Chair presiding over the deliberations of the House or am immersed in official parliamentary papers at 20, Akbar Road, I cannot but be reminded ever so often of that great precursor in office—the first elected President of the Central Legislative Assembly in India—Shri Vithalbai Patel. For, in the Chamber, there is always his portrait opposite the Chair, ever silently and sternly reminding the occupant of the exacting duties of his office and the high traditions he has

to live up to. And, 20 Akbar Road, first chosen by President Patel and ever since the official residence of the Speaker of the Indian Parliament, is, again, steeped in his memory. No incumbent of the office of the Speaker in India can indeed escape the subtle yet profound influence of President Patel, in some way or the other, as he goes about his duties from day to day.

President Patel chose for us not only the

Speaker's residence, but much else besides in parliamentary life. The thought of President Patel calls to mind at once a courageous President who fearlessly and unflinchingly asserted the dignity and independence of his office, who in his many encounters with the Government of the day emerged, in the end, almost invariably, victorious. Memorable are these incidents and doubtless of great historical value as significant stages in the evolution of the office, but, to my mind, the battles he silently waged, the storms he quelled within himself from day to day in his attempt to reconcile his native fiery patriotic spirit with the austere claims of his office must be regarded as even more heroic than those triumphs that he scored in his none-too-uneventful tenure in the Chair.

Few Speakers have perhaps been called to the Chair at a more crucial hour in the history of their Legislature or their country or placed against greater odds than was Patel when the mantle of honour as the first elected President of the Assembly fell on him. The occasion indeed was

historic. As his biographer,\* with a sense of drama, remarks : The 22nd of August 1925 saw the curtain rise on one of the most momentous occasions in the history of India's Parliament. For the first time in the 60 odd years of its colourless existence, the Indian Legislature had now elected its own President. It was truly a mile-stone on the advancing road to Legislative independence and personally, for Patel, a distinctive honour. But he had all the odds in the world against him. This was reflected in a way even in his very election—a keenly contested one—in which he won against the Government supported candidate—Diwan Bahadur Sir T. Rangachariar—by a majority of two. He had to contend with the fact that he was to preside over an Assembly which was only partly elected and which, as then constituted under the Government of India Act 1919, was not clothed with all the powers normal to a sovereign democratic Legislature. The official circles were uneasy and none-too-happy. Specula-

\* Gordhanbhai J. Patel : Vithalbhai Patel—Life Times.

tion was rife as to Patel's possible attitude towards the Government in his day to day dealings with them. The Anglo-Indian Press was hostile. No one could doubt that with his background of rich and varied legislative experience in his own Province and at the Imperial Legislature and his deep knowledge of parliamentary rules, practices, conventions and traditions Patel had all the equipment for his office. All the same, those who knew only too well how deep-rooted and powerful were his political convictions could hardly imagine that he could stay placidly neutral in the midst of the whirlpools and cross currents of political controversies that would often sweep round the Chair.

In fact, in the course of the speeches made welcoming him to the Chair, he was pointedly reminded that during the term of his Presidentship he was incapacitated from fighting the battles of Swaraj, that his private political views must go into hibernation, and 'that his jurisdiction was limited to an administration of the adjective law

governing this Assembly'. 'You are on trial', Jinnah told the new President, and was very near the heart of truth. ✓

But Patel was not in need of all these words of warning and caution. He was more than aware of the traditions that sustained the Chair and had resolved within himself to accept all the obligations of his office and live up to the image of an ideal Speaker. He knew, particularly, that it was essential for him as an elected President to inspire in every Member of the House a feeling that he would be impartial and to do so, he should lay aside, so long as he occupied the Chair, 'all that was personal, all that was of party, all that savoured of political predilection and subordinate everything to the great interests of the House as a whole.' ✓ This was evident in his reply to the felicitations in the course of which he assured the House of 'strict impartiality in dealing with all sections of the House, irrespective of party considerations' and categorically declared :

"From this moment I cease to be a Party man.  
I belong to no Party. I belong to all Parties.

I belong to all of you and I hope and trust, my honourable Friend, the Leader of the Swaraj Party, will take immediate steps to absolve me from all the obligations of a Swarajist member of this House, if, indeed, it has not been done by implication in consequence of my election to this Chair.”

That these were no formal words of customary averment all his subsequent actions were to show. When he accepted the office of President, Vithalbhai had made a resolution within himself that he would devote the savings from his salary towards the furtherance of some object calculated to promote the national welfare. Suggestions had been made to Patel that he should contribute from his salary to the Swaraj Party fund. Vithalbhai at one time had ‘favoured’ the idea without considering seriously the matter. On further thought, he was ‘quite clear in (his) mind that it was not right for (him), as Speaker of the Assembly representing all parties, to make any contributions from (his) salary, towards the fund of any one Party’. So he started sending regularly the savings from

his salary to Mahatmaji, instead, ‘to be utilised hereafter in such manner and for such purpose’ as he might approve. This action appears to have been misunderstood in his Party and Vithalbhai had written to Gandhiji clarifying his position. What is interesting here is that when Gandhiji suggested publication of these letters, Patel was not for it at that stage. His reasons are best stated in his own words; Patel wrote to Gandhi :

“Perhaps you are aware that my term of office will expire with the dissolution of the Assembly, and it is my intention to seek re-election with a view to enable the Assembly to establish a convention similar to the one which obtains in the United Kingdom. If the Assembly chooses to re-elect me, I propose the same arrangement regarding my contribution from my salary for a period of three years. I am not sure about the wisdom of publishing our correspondence at this stage. Such publication, I am afraid, is bound to be construed in some quarters as an attempt on my part to influence the election in my favour..... Don’t you think that in the circumstances it is better to delay the publication

of the correspondence till January next, when the election will be over.....

This incident is important because it reveals so many sides of Patel's personality: his basically nationalistic outlook, his awareness of his duty to preserve unsullied the Speaker's image of neutrality, his conscious concern to build sound conventions around his office in India—as also, of course, his uprightness which would not turn to advantage even an obviously favourable situation to purely personal ends.

There never was perhaps a Speaker who was more imbued with a sense of the importance of his office or did more to enhance its authority and prestige. Despite the limitations of the Assembly as then constituted he was not contented to discharge his duties as a mere Chairman, but was determined to act as the true custodian of the rights and dignity of the House and its members. How he exerted himself in every way to assert and consolidate the independence of the Chair in those

difficult days is an inspiring story.

One of Patel's earliest acts on assuming office was to insist upon a change in the ceremonial observed at the time of the Viceroy's address to the Legislature every year. Those were occasions of great pomp and show. The Viceroy would appear in his robes and the Executive Councillors presented themselves in their resplendent official dress. The Presidents of the Assembly and the Council of State had to sit down in the middle of the House and to rise in their seats when the Viceroy arrived. Patel informed the Viceroy that the existing arrangement was derogatory to the dignity of the Chair and from next year when Viceroy next came to address, he would not vacate the Chair. The Viceroy, he proposed instead, must go to Vithal-bhai's room and then he would conduct the Viceroy to the *dais*, and himself sit in the Chair and call upon the Viceroy to speak. This proposal, calculated to rob the Viceroy's annual address of much of its pomp and glory and erase the suggestion that in the Assembly Chamber too the Viceroy

was supreme, caused great consternation. Patel was entreated not to press for it at least that particular year, assuring him that the Viceroy himself would change the ceremonial soon. But Patel would not relent—it was a question of principle and had to be enforced without delay—and the Viceroy had to yield.

When Vithalbhai had taken a principled stand, not all the pressures on earth could make him bend. When the Simon Commission arrived in Delhi, in the formal welcome accorded to the Commission, Vithalbhai was conspicuously absent. Vithalbhai would not take any official cognizance of the presence of Sir John Simon until Sir John had called on him. He had his reasons. When Patel had been to England, Lord Birkenhead, Secretary of State for India, would take no notice whatsoever of Patel's presence in London, although he was there as the President of the Indian Assembly to study the working of the British Parliament, just because Patel unwittingly had omitted to call on him first. When all the

pressures and persuasions on Patel failed in order to resolve the *impasse*, Lord Irwin had to directly talk the matter over with Vithalbhai and concede that according to the British Parliamentary conventions, Sir John Simon and his colleagues should have called on the President of the Legislative Assembly before their presence could be officially recognised. When Sir John at last called on Patel, he found that Patel was most cordial and did not harbour any personal ill will against anyone and in acting as he did, he was merely asserting the rights and privileges of the Assembly and the dignity of the House.

It was this ever vigilant concern to see that the dignity and decorum of the House was maintained that made Patel take exception to the Commander-in-Chief's absence from the House when an adjournment motion over a speech made by him in the House earlier was being discussed in the assembly. He observed that the absence of the Commander-in-Chief on that occasion was 'highly discourteous' to the House. Later when the Com-

mander-in-Chief explained the reasons for his absence, President Patel remarked that the Chair could have been informed of this before the debate began.

On another occasion, a Member who entered the Chamber through the ante-door behind the President's Chair during a Division after the Lobby doors had been closed had to tender a proper apology—and the person who opened the door for him and the Leader of the House himself had to offer explanation—before the matter was treated as closed.

Likewise, Patel was insistent that there should be proper respect for the Chair. When reports reached him that there was a kind of whispering campaign being carried on against him and his rulings and actions were being freely commented upon by the officials, he immediately brought up the matter before the House. He made it abundantly clear that not only within the Legislature but even elsewhere nothing should be said which

detracted from the authority of the Chair and amounted to reflection on his actions. So strong was the line he took that the Home Member had to tender an unequivocal apology in the House on behalf of those who had indulged in such remarks against the Chair.

Equally memorable is the warning Patel issued when a certain newspaper had commented, in a manner amounting to reflection, on his action in adjourning the House immediately after the Division was over on the motion for consideration of the Bill further to amend the Code of Original Procedure 1898. The Home Member (Sir Alexder Muddiman) himself was not happy about this and so made a statement in the House on the 15th February, 1926 dissociating himself from the observations made in the newspaper report. Welcoming the statement made by the Home Member on behalf of the Government and expressing his hope that it would have the desired effect and lead to expression of unqualified regret by the newspaper concerned, Patel warned:

“The Press must know that no suggestion of partiality, however remote, directed against the Chair will be tolerated. At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases, without casting or suggesting any reflection on its impartiality. The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed.

These stray incidents are enough to show how Patel developed steadily a climate of respect for the House and the Chair by making it plain that no remissness in this regard from any quarter would be tolerated.

In the interpretation of the rules and orders of the House, Vithalbai ever kept before him his special responsibility as the bulwark of the rights of the House against official encroachment. He allowed all possible opportunity to members to raise matters before the House to criticize or censure the Government, as would be evident from the simple fact that during his five-year tenure

between 1925 and 1930 as many as twenty five adjournment motions were brought before the House for discussion.

Following his predecessor, Patel also held that during the discussion on the Finance Bill the working of the entire administration of the Government was open to review. He felt it only proper that the reports of the Public Accounts Committee are discussed on the floor of the House—a view which obviously had its merit in those days when the Executive was not responsible to the Legislature and such discussion offered one more opportunity to turn the glare of publicity on administrative lapses.

In Patel we had not only a bold Speaker who was out to assert the dignity and authority of the House and his office, but also a Speaker of singular commitment to established parliamentary rules and norms. The trip that he undertook to England specifically with a view to get some first hand knowledge of parliamentary procedure and the

way in which affairs are conducted in the British Parliament should itself be sufficient to show how seriously he took his office. With his background of constitutional law and procedures, he had an immediate and intuitive grasp of the contours of a problem. Whenever any question of some complexity arose, he would make up his mind only after due deliberation, giving full consideration to the views from all sections of the House. Once he made up his mind, he was inflexible. His rulings were always examples of clear, cogent well-reasoned propositions, which met every point pressed before him. A few random samples will illustrate.

On the 24th January, 1927 Shri Srinivasa Iyengar had given notice of an adjournment motion to consider a matter of urgent public importance, viz., 'the action of the Government of India in agreeing to contribute a contingent, including Indian troops, to take part in the military operations in China'. Vithalbhai held that the motion would be clearly out of order, if the object was to call into question the foreign policy of the British Government. On the mover clarifying

that his object was to discuss question 'whether the Government of India was entitled to, or should send, Indian troops to China *without consulting the Indian Legislature*', Government was asked if in view of the narrow issue proposed to be raised, Government had any objection. The Home Member objected to the motion on the ground that it was impossible to discuss the question without an explanation of why troops were being sent to China, and that would involve a discussion 'which cannot fail to affect our relation—not only the relation of this Government but of the British Government—with many other foreign powers', a discussion likely to lead to the most disastrous results.

Patel held that he had no power to disallow the motion on the ground that it could not be moved without detriment to the public interest—which power was vested only in the Governor-General. As for the apprehension that Members might discuss the foreign policy, the Chair could be trusted to regulate the debate so as to confine it to the

single issue the mover had in mind. In this view of the matter, the President ruled that the motion, restricted to the single narrow issue, was in order and after obtaining the leave of the House announced that the motion would be taken up at 4.00 P.M. on that day 'unless, in the meantime, His Excellency the Governor-General otherwise directs.'

On a communication being received from the Viceroy that he had disallowed the motion 'on the ground that it cannot be moved without detriment to public interest' the President informed the House that as a result of this order no discussion of that motion would take place.

Patel's exercise of the casting vote in a division in connection with the first Public Safety Bill is also worth citing. As is now common knowledge, the public mind was very much exercised over this measure which was being fought against by the Nationalists at every stage. When Government moved on the 24th of September 1928 for the

consideration of the Report of the Select Committee on the Bill, the House had to divide on the issue and the Division disclosed a tie. Patel announced the result as under:

"Here is an equality of votes : 61 against 61. My own opinion is that, if any party or any individual member seeks to put such an extraordinary measure on the Statute-Book, he must persuade the House and get a clear majority in his favour. The Hon'ble the Home Member has failed to secure a clear majority in his favour and cannot expect the Chair to give its casting vote in favour of the motion. I, therefore, give my casting vote for the "Noes" and declare :  
Ayes 61; Notes 62.\*

That this decision went against the Government is only incidental and should not cloud the fact that in making the above observations Patel was only talking a parliamentary language and in exercising the casting vote in the manner he did, he was only acting strictly in conformity with the established Parliamentary convention that the

\* L.A. Deb., 24-8-1928.

Chair exercises the casting vote in favour of the *status quo*.

The other, more famous, ruling on the second Public Safety Bill is important for the assertion by Patel of a power crucial to the Speaker's office and the orderly functioning of any legislative assembly—namely, the inherent right of the Speaker to place, or refuse to place, a motion before the House. The facts are only too well-known. When the motion for consideration of the report of the Select Committee on the Second Public Safety Bill was moved by the Government on the 28th March 1929, objection was raised by Shri Jayakar who referred to the prosecution launched by the Government the previous week before the Meerut Magistrate against 31 persons, alleged to be Communists, for conspiracy against the Government established by law. He submitted that in discussing the merits of the provisions of the Bill, members could not avoid referring to matters which might bear upon questions then *sub judice*. He suggested that in the interests of

a free and full debate the Government should not proceed with the Bill during the pendency of the Meerut trial. Government was not prepared to accept this suggestion.

Patel gave the closest and most dispassionate consideration to the issues involved. Upon a comparison of the speeches made by the Leader of the House from time to time on the Bill and the complaint lodged by the Government against the 31 accused in the Meerut case, he was convinced that the fundamental basis for both was identical. On the 2nd April 1929, before the House was to resume the debate on the Bill, Patel made a statement from the Chair setting forth the difficulties he felt about the Bill. He said:

“I think there can be no two opinions that real debate on the Bill is not possible without extensive reference to, and discussion of, most of the matters that are *sub judice*. In fact, I am clearly of opinion that these are the only matters that could be relevant to the issues involved in the Bill.... But, under the Standing Order

(No. 29) . . . , the Chair would be bound to rule out all such reference and discussion, and this would make the debate on the Bill impossible . . . .

Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and the rejection of the Bill would mean the rejection of that basis; and in either case such a course is bound to affect prejudicially the case for the prosecution or for the defence in the Meerut trial, as the case may be. I do not see how, in these circumstances, I can legitimately allow the Government to proceed further with the Bill at this stage."

Patel advised that in those circumstances the Government themselves postpone the Bill pending the Meerut trial, or, if, they attached greater importance to the passing of this Bill at that juncture, to withdraw the Meerut case and then proceed further with the Bill.

The Home Member (Crerar)'s statement in reply on the 4th April, 1929 indicated that the Government stand was provocative and challenging in tone. The views of the Chair, the Home Member

said, appeared to rest on a misconception of the powers conferred upon the President by the Rules and Standing Orders neither of which gave him the powers he apparently claimed of refusing to allow further discussion of the Bill.

It was in this situation that Patel felt it his duty to assert the authority of the Chair. Patel adhered to his stand that no real debate on the Bill was possible without repeated reference to, and discussion of matters *sub judice*, which in his view were the only vital matters relevant to the debate on the Bill. Although the power to rule the motion in respect of the Bill out of order was not expressed in so many words in any of the Rules and Standing Orders, Patel declared, it did arise 'by necessary implication and analogy' and he was satisfied that, in any case, the Chair had 'the inherent power' to rule it out on the ground that it involved an abuse of the forms and procedure of the House. The Government's claim that they had the undoubted right under the Constitution to decide what legislation they shall ask the House

to pass and when, he said, had its own limitations. Quoting Redlich, he pointed out that 'the most important function discharged by the Speaker is that of being the sole and final judge of whether any motion is in order or not' and that by virtue of this authority 'under certain circumstances, he may exert a direct influence upon the extent of legislative action'. Patel said that it was the duty of the President to see that the House transacted its business with due regard to the forms and procedures laid down in the Act, Rules and Standing Orders, and where no Rules or Standing Orders; existed, in accordance with accepted principles, precedents and conventions, so that there was fair discussion and free decision on every question before the House. "It is a duty", Patel declared, "which the President owes to the House and every member thereof, and is one which he cannot share with or delegate to the Government or the Opposition, or submit to the verdict of a majority or minority in the House."

Patel's stand was thus firm, unequivocal but

principled. It was no mere despotic assertion of power. What happened since—the Viceroy coming to the House the very next day to explain the Government stand on the ruling and the steps they were taking to meet the situation created by it, President Patel's letter to the Viceroy taking strong exception to the Viceroy's observations, the enactment of a new Rule that the President could not, except by virtue of his express powers, prevent in future the progress of legislation, the strong protests in the House over the enactment of the New Rule and the final understanding reached that there should be a convention that except in certain exceptional cases, the Legislature should be consulted before any change was made in the Rules—is all part of history.

Patel's memory will be associated with two other legacies—the present Watch and Ward arrangements and the independent Parliament Secretariat—both owing their origin to his foresightfulness and firm assertion of the independence of the Chair from Executive influence and interference.

With the bomb incident of the 8th April 1929 in the Assembly, just before President Patel was to have delivered his historic ruling on the second Public Safety Bill, the question of security arrangements in the Assembly precincts came up for serious consideration. President Patel had appointed a Committee and while the matter was still under consideration, Government made certain security arrangements on their own. President Patel took the stand that whatever happened within the precincts of the House must necessarily be under the authority of the President and, while Government may advise, the implementation of any proposal must be only after his final approval had been obtained. The Government would not agree. They felt that the President would not know what security arrangements were called for at a particular time and Government were the best judge in the matter, and therefore their word should be final. The differences remaining unresolved, President Patel made a declaration in the House on the 20th January 1930 that it became his imperative duty, as the custodian of the

dignity of the House and the authority of the Speaker, to order the galleries to be closed till such time that a settlement was reached. The galleries were reopened only after an agreement was arrived at, following protracted talks for nearly a month between the Viceroy and President Patel. The agreement then arrived at is the genesis of the present Watch and Ward Organisation in Parliament House. All security arrangements in the precincts of the House are now under the control of the Speaker who exercises his authority through officers directly appointed by him.

Patel was a person who never lost sight of the fundamentals. An independent Speaker—he was clear in his mind—must have an independent Secretariat to advise him. One of his first tasks as President was to press for such a Secretariat. He called the Presiding Officers' Conference in January 1926, had a resolution passed advocating the creation of a separate office for the Assembly, and immediately took up the matter with the Government. Progress was slow but Patel was not the

man to give up. On his reelection as President in 1927, he took up the matter again with the Government.

Since the Government would not accept Patel's views in certain respects which he considered vital, he decided to take the question before the Assembly. "As an elected President, I am responsible to the Assembly and to no other authority" declared Patel in his statement before the Assembly on the 5th September 1928 and pointed out—

"— . . . . . if the business of the House is to be carried on to its satisfaction, the Secretary and the staff must be responsible to the House and its President and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and the staff must also feel that they are there solely to serve and further the best interests of the Assembly."

He outlined his scheme for an Assembly office separated from the Legislative Department of the

Government of India, with its principal officers and establishment under the control of the Assembly through its President.

Things now began to move quickly. Within a fortnight the Home Member laid on the Table of the House the text of a despatch sent by the Government to the Secretary of State embodying Patel's scheme and the Government's proposals thereon. The following week, on the 22nd September 1928, Pandit Motilal Nehru moved the motion (seconded by another illustrious leader Lala Lajpat Rai) for a separate Legislative Assembly Department. And on January 10, 1929 within a period of a few months was created a separate self-contained Department in the portfolio of the Governor-General but under the *de facto* control of the President.

In Patel we had a Speaker who was truly worthy of the burden and the trust of his office. When he came to occupy the Chair, he was hedged around by innumerable constraints, Constitutional

and other, for which it is hard to find a parallel in the history of legislative institutions in the world. He brought to his office a rare combination of qualities and personal equipment and fully measured himself up to the call of the hour. There never was perhaps a Speaker who did more to 'magnify the office'. Extraordinary times throw up extraordinary men; Patel was one such man of

uncommon mould. By his example of dignity, uprightness and fearless impartiality, he has left us traditions which will ever be with us as part of the heritage of the Chair in India. To my mind, there could be no more permanent memorial to Patel than the institution of Speakership itself in India with all its surrounding traditions and memories.

## FATHER OF INDIAN PARLIAMENT

.by

M. ANANTHASAYANAM AYYANGAR

*Former Speaker of Lok Sabha*

Gujarat produced Mahatma Gandhi the father of the Nation. It was equally responsible for the birth of the twin stars, Sardar Vallabhbhai Patel and Vithalbai Patel. The younger brother brought about the peoples sovereignty by removing Rajas and Maharajas and the Zamindaries as well. He made all citizens equal both politically and economically as far as possible. His elder brother Sardar Vithalbai Patel sowed the seed of parliamentary sovereignty at a time when the vista was bleak. He can be easily called the father of the Indian parliament. He was an ardent patriot and an extreme nationalist. He was the founder of

the Swaraj Party along with Shri Motilal Nehru and Hakim Ajmal Khan. Under the leadership of Mahatma Gandhi the All India Congress had enunciated the programme of non-cooperation. Its detailed programme of action was chalked out at the AICC meeting in April 1921 at Bezwada. It caused anxiety in the minds of the officials and the British Government. But when the movement was in full swing Gandhiji suddenly suspended it owing to the incident of Chaura-Chauri where a provoked mob set fire to the police station and some police constables died therein. There were a few other instances of violence in

other parts of India also. This upset Gandhiji and he called off the non-cooperation movement. But the other political leaders were not happy over this sudden turn the political movement took. The next elections to the Assembly were coming off for the second time in 1923 and for other provincial assemblies also under the Montagu Chelmsford Reforms scheme. Meanwhile Gandhiji was arrested on the 10th of March, 1922. Thereupon the leaders began to think seriously as to how the political agitation should be carried on. The AICC which met in Lucknow in June appointed a committee to tour the country to assess the situation and recommend the next course of action. The committee consisted of six members of which three viz. Shri Rajagopalachari, Dr. Ansari, and Kasthuri Ranga Iyengar did not recommend a change in the Congress programme in respect of the boycott of Councils. They were called no changers. But the other three members viz. Motilal Nehru, Hakim Ajmal Khan and Vithalbai Patel held the view that non-cooperation should be continued,

they should contest the coming election in 1923 and fight the Government and its machinery from within the Councils. They were pro-changers. The pro-changers desired to enter the councils with the avowed object of ending or mending the Government. The new Swaraj Party was founded by the pro-changers on the 1st January, 1923. A fight ensued between the pro-changers and no-changers. The Congress held in a special session in Delhi September, 1923. A compromise was arrived at between the two groups and it was resolved that those Congress men who had no conscientious objection to entering the legislatures were at liberty to stand as candidates for the coming elections and the Congress as such suspended its propaganda against the Councils. The Swaraj Party was also wedded to the fundamental principles of non-violence. The party declared that they would enter the legislative assembly and demand that the right of the people of India to control the Government should be conceded forthwith and given up by the British Government and added that if the Government refused to grant the

said demands, it shall be the duty of the members of the party, elected to the assembly and the provincial Councils wherever they constituted a majority, to resort to a policy of a uniform, continuous and constant obstruction with a view to make the Government impossible. The Swaraj party's cry was for wrecking the reform from within, whereas the moderates became frankly counter revolutionary and a part of the Government. They were, however, routed in the elections and the Swaraj party had a striking success securing 45 seats out of 104 elected in a house of 145 seats. Shri Vithalbhair Patel, Pandit Motilal Nehru, Lala Lajpat Rai, and Shri Bipinchandra Pal were among others elected to the assembly on the Swaraj party ticket. There were three issues dominantly before the Swaraj party. Their main problem was of constitutional advance (1) paving the way for Swaraj, (2) putting down the repressive policies and actions of the Government of India, (3) the growth of indigenous industries and the Indianising the Services. Accordingly, the demand for constitutional reforms was taken up

at the very first session of the assembly and a resolution was moved on the 5th February, 1924 by Shri T. Rangacharya for the grant of full self-Government of dominion status within the British Empire and provincial autonomy in the provinces. Motilal Nehru as the leader of the Swaraj party in the assembly moved an amendment to the resolution asking Britain to take steps to have the Government of India Act revised with a view to establish full responsible Government in India. Speaking on the occasion Shri Vithalbhair Patel traced the history of the Congress, its demand for constitutional advance and the British response thereto. After a long and heated debate Shri Motilal Nehru's amendment was carried by 64 votes. This was a great victory for the nation against the Government. This became a famous national demand. The Swaraj party continued its activities of obstruction along with some other political parties and inflicted defeats on the Government, during the discussions on the budget and connected financial measures. On the 10th of March, 1924, the Government presented a demand

for grants in respect of customs and Motilal Nehru moved that this demand be omitted. Participating in the discussion Shri Vithalbhai Patel pointed out how the Government had been exploiting India during the last 150 years and that after such a long period of their rule only five per cent of the population was literate and that the whole population was disgusted with the British Rule. He, therefore, considered that the time had arrived when the people should refuse supplies, thus dissociating themselves from the Government. He said addressing the Government either to accede to our demands or drive us to start a mass movement. After a long debate Shri Motilal Nehru's motion was carried. Next came the Finance Bill on the 17th of March. It was severely opposed by the Swarajists and nationalists and rejected. On the 3rd February, 1925 Vithalbhai Patel introduced a bill to repeal some special enactment supplementing ordinary criminal laws viz. Bengal State Prisoner's regulation. Patel's bill was supported by many prominent members of the inde-

pendent party including Jinnah. It was passed by 71 votes.

So far, the Swarajists had their way in the Assembly. Though they did not command a majority of members, they with the help of moderates and independents and other nationalist parties with which they formed a coalition, formed a nationalist party. But unfortunately, there came a rift in the coalition. The Swarajists had entered the Councils with a battle cry of wrecking the reforms from inside. But the independents under the leadership of Mr. Jinnah refused to follow a joint policy of wrecking while he was supporting Motilal Nehru in his move to reject the demands for grants on customs. This trend culminated in the form of an independent party in the Assembly under Jinnah's leadership. The rift between the Hindus and Muslims widened and it was sharply reflected in the debate on the resolution regarding the recognition of the North-West frontier as a separate province in February, 1926. While Jinnah supported the

resolution, Madan Mohan Malaviya and others opposed it. Thereafter, the Swaraj party was obliged to change their objective of wrecking to one of responsive cooperation. If the Government on its part cared to cooperate with them. Accordingly, the Swaraj Party supported the Government in getting the Steel Bill through, a bill offering protection to Indian Steel Industries, introduced by the Government.

But soon this attitude changed. Gandhiji was released from jail on the 5th of February, 1924. He studied the situation and got convinced that council entry destroyed non-cooperation. It became clear to the leaders including Motilal Nehru that the grouping spirit of the party could not be counter-acted unless a more militant attitude was taken. The next Congress reiterated its faith in the Civil Disobedience Movement and the Swaraj party was asked to invite the Government at the earliest opportunity to give its final decision on the nationalist resolution. Pandit Motilal Nehru speaking in the Assembly complained that

the offer of cooperation by the Swarajists had been contemptuously rejected by the Government and the Government launched a policy of repression. It was the case whether the Labour Party ruled in England or the Conservative party. After opposing the motion introduced by the Government for a demand of grant for customs, Pandit Motilal walked out of the House along with the members of the Swarajya party.

Here started the period of greater struggle and the exhibition of courage by Vithalbai Patel in the Assembly. Though he was a swarajist, he did not walk out of the Assembly as he had by then, become its elected President. He had been elected President in 1925 and continued in office till 1930. He pursued the policy of the Swarajists as President of the Assembly and continued to fight the Government. He made his first important announcement soon after the Swarajists left the House. He said that as the strongest party had left the House, the Assembly ceased to be a representative body and that it was for the Government to consider whether the Assembly should

continue. So saying, he adjourned the House to the dismay of officials and other members of the House. He later explained that he had by his order of adjournment wanted to draw the attention of the Government to the situation obtaining and to direct them not to bring forward controversial issues for decision in the Assembly in the absence of a big peoples' party. The next elections to the Assembly came off in November, 1926 and the Swaraj party came out successful as the largest party in the Legislative Assembly. But Malaviya and Lajpat Rai formed a separate nationalist group and the Muslims formed their own party. Under these circumstances, it required a master hand as President to carry the mandatory Congress objective of wrecking inside the House. Accordingly, the first attack on the Government was launched on the 21st February, 1927 by way of an adjournment motion to discuss the non-attendance of C. Mitra who had been elected the Legislative Assembly from Bengal. He was unable to attend the House because he was then under detention. Shri Motilal

raised the question of rights and privileges of the legislative assembly and asserted that the confinement of Mitra violated his privileges as well as the rights of the constituency which had elected him. But the Indian Legislative Assembly had not been then enjoying the status of the House of Commons. It was still an advisory body or a big debating society. Any question, resolution, adjournment motion could be disallowed by the Governor-General. Demands for grants voted down by the Assembly could be restored by the Governor General and bills which had been rejected by the House could be certified and restored. In short, the Governor General was a dictator and he was only making a show of listening to the peoples' voice in the Assembly. The debate reached high eminence. President Shri Vithalbhai Patel having heard both sides of the case ruled that Motilal's motion was in order and directed that the motion should be taken up later on the same day. The Viceroy, however, exercised his powers and disallowed this motion. There were a few more adjournment motions during that

session which served to warm up that atmosphere. The next occasion when President Patel showed his mettle was when the Public Safety Bill was introduced in the Assembly and the Law Member explained the report of the Select Committee. Shri Jayakar raised a point that in view of the arrest and proposed trial of the Communists in Meerut, the Government would be well advised to postpone consideration for discussion of the Bill as it might affect matters which were then *sub-judice*. Thereupon, the President observed that the fundamental basis of the Public Safety Bill was virtually identical with that of the Meerut Conspiracy case, a real debate on the bill was not, therefore, possible as it touched matters which were *sub-judice*. He, therefore, advised the Government to postpone consideration of the Bill pending the Meerut case or if they attached greater importance to the passing of the Bill, to withdraw the Meerut case and then proceed further with the Bill. The Home Member replied that there was no legal bar to the discussion of the bill despite the Meerut conspiracy case and a

legal bettle ensued. Jinnah was of the opinion that the President could not stop further consideration of the Bill. On the 11th April, President Vithalbhai Patel finally gave a ruling on the issue raised. In the course of a long statement, he observed that no real debate was possible without reference to matters *sub-judice*. Though there was no specific rule empowering the President to rule out consideration of the motion at that stage, he observed that the power did arise by necessary implication and analogy. Further, the Chair had an inherent power to rule out a motion on the ground that it involved abuse of power and procedure in the House. On this ground, he ruled out any further consideration of the Public Safety Bill. Thereupon, the Viceroy issued an ordinance giving the Governor-General all the powers which were sought for in the Bill. Thus with the help of the President, the non-official members of the Assembly, particularly with the help of the Swarajists tried to clothe the Assembly with all the powers of the Parliament directly or indirectly and to prevent in any way the slipping

away of the rights and privileges of the House and its members. Since the 24th August, 1925, Shri Vithalbhai Patel played the most important and positive role in the Assembly since he became its President. He not only emerged as the most powerful supporter of the rights and dignity of the members of the House, but also gave to the opposition party and its leader, the status that he should be entitled to, in a free country enjoying a democratic constitution.

A few important events and rulings are given hereunder by way of illustration. Even in regard to Patel's election as President of the Assembly, there was a severe contest with one T. Rangacharya, who was supported by the Government. Shri Patel was known as an indefatigable Swarajist obstructionist. People were curious as to how the said freedomfighter would work the constitution without giving up his role as a fighter. He suffered many handicaps at the outset. He had to rely on the advice of the Secretary of the Assembly in matters of procedure etc. But the Secretary owed

no allegiance to the President. He was responsible to the Governor-General in Council. Further the Secretary was a nominated member of the House. As such, he joined the party of his choice, worked for it and voted with his party members. Naturally the President could not regard the advice of such a Secretary as impartial and independent. Shri Vithalbhai Patel took up this matter with the Governor-General, whereupon the practice of nominating the Secretary as a member of the Assembly was discontinued from the autumn session of 1928. But this was only an eye wash. The important defect was that the Assembly had no independent staff of its own. At the instance of the President, the Presidents' Conference in January, 1926 passed a resolution recommending creation of a separate office for the Assembly uncontrolled by the Government. Shri Patel also submitted a detailed scheme to the Government for reform of the Assembly Secretariat

- (i) that it should be separated from legislative department of Government of India.

- (ii) that its Principal officers and establishment of offices should be under the control of the Assembly through its President.

Thereupon Shri Motilal moved a resolution in the Assembly asking for the creation of a separate department for the Assembly. He also moved that the Principal officers of the Department may be appointed by the Governor-General in consultation with the President and the power to take disciplinary action against those officers be vested in the President subject to a right of appeal to the Viceroy. The motion was adopted by the Assembly and a separate secretariat department was eventually created. Though the Secretariat became a part of the Assembly, and came under its control and that of its President, the President had to maintain the dignity of the Chair *i.e.* himself against attacks both from within and without. Some British and Anglo-Indian papers began to attack him. Somebody reported to the House that it was not newspapers, but the Govern-

ment itself that was encouraging the carrying on of propaganda against the President. The President made a statement in the House agreeing substantially with the points raised by the leader of the Opposition and as a measure to correct the press, he cancelled all press passes of the correspondents of the guilty newspapers and ordered that no notice, bills etc., should be sent to them until further direction from the President. In the matter of dis-allowance of further consideration of the Public Safety Bill, the Viceroy addressed the House and made certain observations against the President. The President thereupon lodged a strong protest against his critical observations. The Viceroy clarified his position and said that he had no intention to cast any aspersions on the President nor did he dispute the right of the President to interpret the rules within the House. President Patel thereupon read a long statement before the House when it sat next. He declared that the rulings of the Chair were subject to criticism and censure only by the House itself. He further declared that as long as he was in the

Chair, he would continue to maintain the prestige and privileges of the House and the Chair and will act subject to the Constitution which was supreme within the 4 walls of the Chamber. On the question of police protection in the assembly building also, President Patel fought with the Government and the bureaucracy. Government considered this matter and ultimately decided that they should depute to the services of the assembly a senior officer who would be responsible to the President for regulating all the matters relating to protection of the Assembly within the precincts and that all orders issued to the Police outside the assembly should be framed with the approval of the President. Thus, President Patel fought inch by inch for the protection of the rights, privileges and dignity of the House. Bureaucracy, no doubt resisted his efforts as through the back door, they felt, that the assembly was acquiring the same status which the House of Commons had in the U.K.

At the Lahore session of the Congress in 1929,

a resolution was passed that independence was the goal of India's struggle for freedom and the independence flag was unfurled on that occasion. All the members of the legislative assembly were asked to resign and they did so. Shri Vithalbhai Patel did not respond to the call of the Lahore Congress earlier, but realised later that his countrymen were engaged in a life and death struggle for freedom and his place was not in the Assembly which was really a sham legislature. He tendered his resignation of both the Presidency and membership of the legislature assembly to the Viceroy on the 25th April. There he wrote "The movement of non-violent non-cooperation and civil disobedience initiated by the Indian National Congress under the leadership of Mahatma Gandhi, the greatest man of modern times, is in full swing. Hundreds of prominent country men of mine have already found their place in His Majesty's jails. At such a juncture in the history of the struggle for the freedom of my country, my proper place is with my countrymen with whom I have decided to stand shoulder

to shoulder and not in the chair of the Assembly". He also told the Viceroy that at one time, he believed that India might secure its proper place as a self-governing unit in the British commonwealth. But recent events both in England and in India had disillusioned him. His resignation was accepted with a remark by the viceroy "Your letters make it plain that your course of action is not one that can be influenced by reasonable arguments".

Thus ended the Parliamentary life of Shri V. J. Patel. When he took it up, it was only an

assembly and a mere debating association, which by his rulings and reorganisation of the Secretariat brought it near the level of the House of Commons, though it became one legally many years later. All glory to Shri Vithalbhai Patel, the elder brother of the man of iron and steel, who proved to be even stronger than his younger brother and created traditions and prestige for the parliament which every member including the Chair should emulate and maintain as one of the foremost democratic parliaments in the world. May his life inspire us all.

Long live the memory of Shri Vithalbhai Patel.

## VIEWS OF A CONTEMPORARY

by

**KASTURBHAI LALBHAI**

*Member of Central Legislative Assembly*

Shri Vithalbhai Patel seems to pale in comparison with his illustrious brother Sardar Vallabhbhai Patel. He was no less a patriot and nationalist and was a leading Congressman. But one has to recall the history of our struggle for our national freedom, as it was gathering momentum from 1920 onwards. Although stalwarts like C. R. Das, Motilal Nehru, Sardar Patel, Rajendra Babu, Rajagopalachari, and others were there, the first thrust of the Congress did not have the impact that Mahatma

Gandhi wanted, but succeeded to the extent that the British Parliament offered the Montague-Chelmsford reforms, which made a small beginning for a Parliamentary Role in the country. Thus, whether to take advantage or not, of the offer of the British Parliament, became a burning issue, and with the blessings of Mahatma Gandhi, Shri Motilal Nehru and others like-minded persons, formed the Swarajya Party to carry on the political struggle from inside the Legislature. Shri Vithalbhai Patel joined the Swarajya Party.

Although the British Parliament had offered to make a beginning for an elected Legislative Assembly, the die-hards in England and the bureaucracy in India, neither wanted the experiment to succeed nor wanted the Indian people to assert their will. However, the Swarajya Party won a large majority at the elections and the first conflict started with the election of the Speaker. Shri Vithalbhai Patel was selected by the party to be the Speaker. The election was bitterly fought between the nationalists on the one hand and the officials and the sycophants of the Government on the other. Shri Vithalbhai Patel was elected by a margin of two votes. Although this margin was narrow, the victory was considered a resounding victory, because for the first time, the people got an edge over the alien Government.

However, the task of Shri Vithalbhai Patel was not an easy one. There were no precedent in the country for a popular Legislative Assembly much less there were any precedents for a Legislative Assembly, which was independent of the Govern-

ment machinery. So Shri Vithalbhai Patel had to form a standard of a fair and democratic procedure in the house, which gave a dignity to the house and simultaneously curbed the arrogance of the bureaucratic representatives of the Government and kept in proper check the over-enthusiasm of our representatives. He succeeded in achieving this eminently because he was a successful lawyer by profession. So the legal aspects of the procedure in the Assembly came easy to him. However, his real success as a Speaker lay in another sphere. Although he was a partyman, and although that party was committed to challenge the Government, Shri Vithalbhai's conduct as a Speaker was exemplary. No one could say that he did not hold the scales even, and even when he had the occasion, he did it with such dignity that no one's sensitivity was hurt. The speeches in the Assembly and the occasional exchange of strong words, were carried on with such grace and dignity that it had to be acknowledged on all hands, that the Assembly was a model democratic institution.

Even the Britishers had to admit that Indians could play the democratic game according to time honoured rules. All this was due to Shri Vithalbhai's sense of respect to the Chair that he was occupying. Since he did not lower his sights, he raised those of the members. I had the good fortune to be a member of the Legislative Assembly for a period of three years from 1923 to 1926 when Shri Vithalbhai was the Speaker and can say from my own experience that the one thing Shri Vithalbhai strove to maintain was the dignity of the Chair and the decorum of the house.

The value that Shri Vithalbhai attached to the dignity of the Speaker and the dignity of the house was marked out by an important change that he made in the ceremony of the house. The established convention was that the Speaker would vacate his Chair and went to sit among the members, when the Viceroy came to address it. Shri Vithalbhai changed this convention. He continued to occupy the Speaker's chair and requested the Viceroy to address the House,

signifying thereby that the relations between the people and the rulers had changed in a significant manner, and the Legislature was above the Executive, even, in the person of the Viceroy.

An incident in connection with his attempt to maintain and raise the dignity of the House is worth recollection. On 8th March, 1928 the Commander-in-Chief made an announcement in the course of his speech which in the words of Mr. Jinnah, was in total defiance of the decision of the Assembly, taken at its last session in Simla. Mr. Jinnah gave notice on March 10, 1928 for an adjournment of the House for the purpose of discussing that announcement. The adjournment motion was ruled to be in order and fixed to be taken up in the afternoon that day. The Commander-in-Chief was not present in the House at the time of the discussion. Shri Vithalbhai noticed the absence and remarked that it was highly discourteous of the Commander-in-Chief to remain absent at that time. The Army Secretary defended the absence by saying that the

Commander-in-Chief did not anticipate such a motion and that he had not received the notice of the motion in time, and therefore, had gone out of Delhi to fulfil a previous commitment. Shri Vithalbhai did not accept the explanation and informed the Government that until the Commander-in-Chief apologised to the House, he will not be permitted to make any speech in the House. This decision created a sensation in the House, and outside in the country. It was a rebuke not only to the Commander-in-Chief but also the whole Government. The Viceroy expressed his regret for the unintentional behaviour of the Commander-in-Chief and tried to persuade Shri Vithalbhai to overlook the lapse. However, Shri Vithalbhai did not give in. He said that the dignity and honour of the Chair of the Speaker had to be upheld and if the Viceroy overlooks the behaviour of the Commander-in-Chief where else can he turn to protect the honour of the

Chair. Ultimately the Commander-in-Chief expressed his regret on the floor of the House on 21st March, 1928 and the incident came to a close.

Shri Vithalbhai Patel belonged to a poor farmer family of Charotar and he and Sardar Vallabhbhai Patel rose to their positions by dint of their merit, courage and hard work. Both of them lived a simple life, though Sardar Patel's life was perhaps simpler. In those days, there were no perquisites for the Speaker; so Shri Vithalbhai Patel had to maintain his establishment, employ people to take care of the house and the garden, and entertain official guests out of his salary. It is said that after paying the taxes, he used to retain Rs. 2000 for himself and send Rs. 1625 every month to Mahatma Gandhi for the Congress. Even when he died, he gave away whatever little he had accumulated for the cause of public activity.

# THE ARCHITECT OF PARLIAMEN- TARY PRACTICES—VITHALBHAI PATEL

by

DR. VIRENDRA SWARUP,

*Chairman, Uttar Pradesh Vidhan Parishad*

*My Captain does not answer,  
His lips are pale and still :  
My father does not feel my arm,  
He has no pulse or will.  
But the ship, the ship is anchored safe,  
Its voyage closed and done.*

The ship of our democracy is anchored safe indeed. A great voyage has been closed and done. Our only regret is that some of the Cap-

tains of the ship did not live long enough to see to the safe anchoring of the ship. Nevertheless the ship is anchored safe !

Parliamentary life, as we see today, received its shaping at the hands of one of the greatest parliamentarians of all times, Vithalbhai Patel. He became wedded to politics from his early days. He was classified as one of the "Moderates". As a "Moderate" he learnt one great lesson of his

life which he always practised as a Parliamentarian. This big lesson was, never to speak on any subject without first mastering it. His oration was not a mere appeal to masses, it was vocal text book of facts. It has been said about Vithalbhai—"He was a better Committeeman than a platform speaker." He was one of the rare idealists who considered idealism as meaningless unless the ideal was actually put into practice.

Vithalbhai entered the Central Legislative Assembly only to emerge shortly thereafter as its elected President in the year 1925. He actually became a part and parcel of the legislative machinery and the custodian of the healthy traditions of the Assembly to which we may trace the healthy practices of the Parliament which we find today. The period of Presidentship of Vithalbhai at once impresses the reader of constitutional history not only by the towering personality of Vithalbhai but also by the band of his colleagues who included men like Pt. Motilal Nehru, Lala Lajpat Rai, Pt. Madan Mohan Malviya, Bipin Chand

Pal, Sir Hari Singh Gour, Ranga Swami Aiyanger, Jinnah and a host of brilliant members. As has been said by Sri Chagla, the then Chief Justice of High Court of Bombay—

"It would be no exaggeration to say that any Parliament in the world would have been proud to have Vithalbhai as its President."

Human eyes are not able to see the peculiar course of destiny. No one could foresee that the work being done by Vithalbhai as the President of the Central Assembly was in fact nothing short of laying the foundation stone of the traditions of the Parliament and State Legislatures which were bestowed to the country by our Constitution. We must also realize the times of Vithalbhai. In the year 1925, no one could even dream of calling upon the Viceroy from the President's Chair to address the House. Before Vithalbhai took the Chair of the President it was customary for the House that as soon as the Viceroy came to address the members, the President would

vacate his Chair and sit among the members. Vithal**h**bai made a departure from this practice. When the Viceroy entered the House, he continued to remain in the Chair and called upon the Viceroy from the Chair to address the House.

His courage as a President of the Central Assembly and his desire to maintain the dignity and decorum of the House were also reflected in the sensational Commander-in-Chief episode. Having made a long speech the Commander-in-Chief had walked away from the House and was not in the House when his speech was being discussed. Vithal**h**bai plainly informed the Government that unless unconditional apology was offered by the Commander-in-Chief he would not permit him to make any other speech in the House. This had its desired result and the Commander-in-Chief submitted his unqualified apology to the President of the Central Assembly.

Another very important step taken by Vithal**h**bai, which has to be seriously considered even

today by the Assemblies of various States, was his success in getting the control of the Legislative Department totally removed from over the Assembly. An independent department of the Assembly was set up by Vithal**h**bai so that he was no longer to be at the mercy of the officers who formed part of the machinery of the Government.

In many ways Vithal**h**bai kept a vigil over the decorum of the House. He cancelled Press passes issued to the correspondents of the *Times of India* and the *London Daily Telegraph* when they had made remarks not befitting the dignity of the Chair. The matter came to an end, so far as *Times of India* was concerned, when the Proprietors of the *Times of India* and the correspondent concerned offered profuse apology to Vithal**h**bai.

In some Assemblies of our country, there has been a recent introduction of the system of Assembly Guards in place of police. In the times of Vithal**h**bai, the police used to be employed by the Government for security measures. Vithal**h**bai

took up this issue. The Government was unwilling to part with its measures of public security which necessarily meant the presence of police in the precincts of the House. Vithalbai closed all the public galleries attached to the House for a period of about two months and the Government had to bow down to Vithalbai. His authority and right to control the security measures in the precincts of the Assembly were recognized by the Government.

It would be interesting to have a glimpse of the proceedings of the House when the matter of removal of the control of the Legislative Department from the Assembly formed the subject of the day. In accordance with a decision arrived at the President's Conference held in January, 1926, a formal address was made to the Legislative Department on the complete separation of the office of the Assembly from the Legislative Department of the Government of India. On 16th March, 1927, the following questions and answers figured on the floor of the Central Assembly :—

*“Sir Hari Singh Gour (on behalf of Sardar Gulab Singh):* When do Government intend to create a separate establishment for the office of the President of the Legislative Assembly, and how much extra expenditure would it involve?

*Mr. L. Graham :* Government are not contemplating the early creation of a separate establishment for the Legislative Assembly. I am not in a position to estimate the amount of extra expenditure involved, as this would depend in part on the extent and method of the separation of the Assembly staff from the staff of the Legislative Department.

*Sir Hari Singh :* Is the Hon'ble member aware that this question has been agitating the members of this House ever since the first Assembly?

*Mr. Graham :* I may remind the Hon'ble member that he might have put down a cut in the grant, but he did not do so.

*Sir Hari Singh :* This is not an answer to my question. I want an answer to my question. Is

it not a fact that members of this House have been agitating for a separate establishment ever since the first Assembly ?

*Mr. Graham :* I think, Sir, my answer indicates the feelings of members of this House. If they did not put down a cut, I presume they are not deeply anxious about it.

*Sir Hari Singh :* My question has not been answered. I repeat it once more. Is it or is it not a fact that ever since the creation of the Indian Assembly, members have been asking for a separate establishment, and the Legislative Department have given assurances that the matter would be considered, but there were financial considerations which stood in the way in 1921, 1922 and 1923, which prevented Government from giving effect to the suggestions made by the House ?

*Mr. Graham :* The Hon'ble member knows the answer better than I do. He has been in the House all the time and I have not.

*Sir Hari Singh :* May I ask the Hon'ble mem-

ber whether he will reconsider the suggestion made on this side of the House that the Legislative Assembly must have an office of its own ?

*Mr. Graham :* That has been considered and will be considered."

At this stage, Vithalbhai intervened, and made the following statements :—

"I may inform the Hon'ble member that this is not a question with which I should remain unconcerned. As President of the Assembly I feel it more keenly than any other member of this House that the matter should be settled as early as possible. The question is under my consideration for some time past and whatever may ultimately be the decision of the Government in the matter, I have decided to prepare and submit a scheme to them for the separation of the office of the Assembly from the Legislative Department. It is only a question of time."

On 5th September, 1927, after the question-hour Vithalbhai made this statement on the floor

of the Central Assembly :—

“Since I assumed charge of this office, I have found the Assembly and its President labouring under a serious handicap in two essential particulars, and this makes smooth and satisfactory working of the Legislative machinery very difficult. The President is an impartial interpreter and administrator of the rules of the House, but these rules are not made by it, nor has it the power to amend them to suit its requirements. They are amended from time to time by the Governor-General in Council with the sanction of the Secretary of State, and neither the Assembly nor its President has any right even to be consulted. In the interpretation of the rules, the President has to rely on the advice of the Secretary of the Assembly, and in the administration thereof by the office he has to rely on the efficiency, independence and reliability of the staff and the Secretary. Every member of the House has in the discharge of his duties to deal both with the Secretary and his staff, and if he fails to get satisfaction, the fault is naturally laid at the door of the President, who is supposed to be the controlling authority. It goes without saying that if the business of the House is to be carried on

to its satisfaction, the Secretary and the staff must in some form be responsible to the House and its President, and not be subordinate to any outside authority.”

\* \* \* \* \*

It did not take me long to realise all this after I assumed charge of the office in August 1925. The Presidents' Conference, which met in the following January, passed at my instance a Resolution advocating the creation of a separate office for the Assembly, quite independent and unconnected with Government.

\* \* \* \* \*

The most essential demands contained in the scheme were three :

- (1) That the Assembly office should be separated from the Legislative Department of the Government of India, and be treated as an independent Department, and not merely,

as an office attached to any department of Government.

- (2) That its principal officers and establishment should be under the control of the Assembly through its President.
- (3) That the financial proposals of the new Department should be included in the annual budget without any scrutiny by the Finance Department, the Assembly to be the final judge as to whether the proposed expenditure was necessary."

I have quoted the extracts above *in extenso* since the contents above furnish valuable guidelines even to the present day working of the Assemblies of various States. The motion on the subject was adopted by the Assembly without a division. This was a personal triumph for Vithalbhair.

The matter of having control over the precincts of the House which I have referred to above had

created quite a sensation on account of the bold and courageous stand taken by Vithalbhair in asserting his authority in defence of the Chair's powers and the privileges of the Assembly. On 8th April, 1929, there had been a bomb outrage in the Assembly Chamber in which some members had been injured. This had created a serious problem both to the President and also to the police. Vithalbhair was, therefore, concerned with the question of regulating the admission of visitors to the galleries of the Central Assembly in such a manner that the same was consistent with the dignity of the House and at the same time afforded security to the members of the House. The Chief Commissioner Delhi, had furnished Vithalbhair with copies of a series of Orders which had been issued by him to the Police. Simultaneously Vithalbhair also received communication from the Home Member informing Vithalbhair that the Chief Commissioner of Delhi had been instructed to carry out proposals which related to the checking of admission to the Council House building and also in respect of the presence of Police in

the Public Gallery. Vithalbai, therefore, on 3rd September, 1929, made this statement from the Chair of the Central Assembly :—

“I have carefully studied the large number of orders issued to the Police by the Chief Commissioner, and I have no hesitation in saying that, taken as a whole, they seek to substitute the authority of the Government for the authority of the Chair in the whole Assembly sector including the galleries.

In these circumstances, I have no other course open but to direct that all the galleries except the Press gallery, be forthwith cleared and closed, and that no further passes be issued to strangers until further orders. I hope the authorities concerned will in the meantime reconsider their position, and I will also consider what further steps I should take to vindicate the authority of the Chair.

I express my regret to those who might be inconvenienced by this order.”

This statement, as could be seen, created a lot

of furore and the following dialogue figured in the House immediately after the statement :—

“*The Hon'ble Sir James Crerar* : Sir,

*Mr. President* : Orders must be carried out first.

*The Hon'ble Sir James Crerar* : I request you, Sir, to give me an opportunity to make some observations on the statement you have just made.

*Mr. President* : Orders must be carried out first. (All the galleries, except the Press Gallery, were then cleared).

*Dr. A. Suhrawardy* intervened and asked : Sir, may I inquire whether your order applies also to the members of the Council of State, who are entitled to come without passes ?

*Mr. President* : Yes.

*The Hon'ble Sir James Crerar* : Sir, may I

with all respect ask to be allowed to make some observations ?

*Mr. President :* Will the Hon'ble member kindly resume his seat ? With regard to what does he wish to make observations ?

*The Hon'ble Sir James Crerar :* With regard to the statement which you, Sir, have just made.

*Mr. President :* I have passed my order and it cannot be questioned. Gentlemen desiring to take their seats will come to the Table and make the oath of affirmation in the manner prescribed."

Unstinted praise was showered on Vithalbai by all the constitutionalists and the public for his bold and courageous stand.

No picture of Vithalbai as President of the Central Assembly can be complete without a mention of the Swarajists' walk-out from the Assembly and the remarks made by Vithalbai as the President in the wake of this walk-out. The

Late Pt. Moti Lal Nehru before walking out of the Assembly with members of the Swaraj Party had made the following heart-stirring statement from the floor of the House :—

"We have no misgivings either about our fate or our deserts, and we go forth into the country to put it to the touch to win or lose it all. We feel that we have no further use for these shame institutions, and the least we can do to vindicate the honour and self-respect of the nation is to get out of them and go back to the country for work. In the country we will try to devise those sanctions which alone can compel any Government to grant the demands of the people. We hope and trust that the nation will give a suitable reply to the truculent rejection of our demands and will send us again in larger numbers with a stronger mandate, and, God willing, with the sanction for fulfilling its aspirations and enforcing its commands. These are the few remarks, Sir, that I wished to make in order to make the position of the Swaraj Party clear. I now beg your permission to withdraw, and I call upon all the Swarajist members of this House to follow me."

Having concluded his speech Pt. Moti Lal Nehru together with the entire members of the Swaraj Party withdrew themselves from the Assembly in a body after giving respectful bow to the Chair. This walk-out by the members of the Swaraj Party was most impressive and was witnessed by a distinguished crowd which had occupied the public gallery. The benches of the Swaraj Party gave a deserted look and the Chamber itself appeared quite void without the members of the Swaraj Party. Vithalbhai saw to it that no one disturbed the benches vacated by the Swaraj Party. One Rai Saheb, Har Bilas Sarda, stepped into the benches vacated by the Swaraj Party. Vithalbhai at once ordered him to vacate the seat. The lunch-hour was about to begin when Vithalbhai rose and made the following statement which will go down in history as the stern voice of one of the most fearless Presidents of any Legislature. Vithalbhai said—

“The Chair regrets the circumstances which have necessitated the withdrawal from this Cham-

ber of the largest party in this House. Whether the crisis could have been averted or not by tactful and wise handling is not a question on which the Chair is called upon to make any statement. The fact, however, remains that the House ceases to be representative in the sense in which it was intended to be by the Government of India Act, and it is for Government to consider how far they should continue this House or not. There is absolutely no doubt that the Assembly, as it is constituted now, is merely there to register the decrees of the Executive Government. It cannot be anything else and therefore it is for Government seriously to consider how long it should allow this House to function. But so long as it is allowed to function, I would advise Government to bring forward only such business as is absolutely necessary for the purpose of carrying on the administration, and not to bring forward any controversial measures. The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country, and for that purpose the Chair possesses sufficient powers in the shape of the adjournment of the House, *sine die*, or in the shape of refusing to put any motion to the House. I hope and trust that the Government

will so act in carrying on the business of this Assembly hereafter that the Chair will not be compelled to resort to its extraordinary powers. I think it is necessary, in the present atmosphere, to adjourn this House, till tomorrow morning, at 11 o'clock."

Whenever rulings from the Chairs of Legislatures will be weighed, this courageous ruling of Vithalbhai from the Chair will be hailed as a momentous mile-stone on the highway of the Constitution. The Government had been so much perturbed over this ruling that it had been kept a close secret for a long time.

Vithalbhai can rightly be described as the arch mason who had built edifice of healthy Constitutional practices. In Britain the Speaker gets a handsome pension after his resignation and also a Peerage. All that Vithalbhai got for his contributions to the Parliamentary life of the country was six months R.I. In 1930 when the Congress had boycotted the Legislatures, Vithalbhai tendered his resignation as Speaker of the Assembly.

He was arrested along with some other members of the Working Committee of the Congress. Due to his ill health he was released after he had served out 5 months of sentence. In 1932 he was again arrested but due to illness was permitted to go to Vienna for treatment where he met Netaji Subhash Chandra Bose. Even as a sick man Vithalbhai toured the whole of the United States in order to enlighten the people of America about the cause of India. Both Vithalbhai and Subash Chandra Bose realized that more militant methods should be resorted to against the yoke of British Imperialism. Death, however, did not allow Vithalbhai to realize his dreams. As he lay dying in the Swiss clinic his last message for his countrymen was :—

"Give my blessings to all my countrymen and all friends in India and throughout the world. Before I die I am praying for the early attainment of India's freedom."

He died on October 22, 1933, in Geneva while in exile Pandit Jawahar Lal Nehru has paid

tribute to Vithalbhai in the following moving words :—

“His passing away was a painful event and the

thought of our veteran leaders leaving us in the way, one after another in the midst of our struggle was extraordinarily depressing one.”

## A FEARLESS SPEAKER

by

A. G. KHER

*Former Speaker, Uttar Pradesh Vidhan Sabha*

Late Sri Vithalbai Patel was undoubtedly a front rank social worker, an outstanding legal luminary and parliamentarian and above all in Gandhiji's words "a fearless Speaker". His contribution to India's Constitutional history is remarkable. He had unflinching courage and statesmanship for which the nation will ever remain indebted to him. Besides other things, his contribution towards the establishment of Parliamentary traditions and conventions as a Speaker of the Central Legislative Assembly at the time when the Assembly constituted under the Government

of India Act, 1919, did not possess the powers enjoyed by Legislatures of independent countries, has been exemplary and will ever be guiding future Speakers.

His Parliamentary career begun as a Member of the Bombay Legislative Council, where he kept the treasury benches on their toes with searching questions, and by bringing other matters before the House. He was elected in 1918 to the Imperial Legislative Council, where he distinguished himself for his skill as a 'follower of the Parnellite

Irish traditions of creating a deadlock over Government bills with which he and his party were not in sympathy but which they were not able to turn down.

The most important event in Vithalbhai's life, as in India's Constitutional history, was his election to the Presidentship of the Indian Legislative Assembly in August, 1925 to succeed Sir Frederick Whyte. The Assembly contained a galaxy of national leaders, but hardly had any tradition or convention. The situation, then, also was not helpful because the Assembly was given no such powers as are available presently to Parliament or the State Legislatures. The Government of the time was foreign and rulers detested him and the Leader of the House showed hostility behind formal courtesy towards him. It is in such adverse circumstances, that he showed his courage of convictions, strength, independence and impartiality in upholding the great parliamentary traditions and conventions, which are yet found difficult to be practised in our Parliamentary system,

even after the independence when the Parliament and the State Legislatures have under the Constitution, the Powers, privileges and amenities as those enjoyed by the House of Commons in United Kingdom.

Late Sri Vithalbhai Patel was absolutely impartial in the Chair. He raised and up-held the dignity of the House with great vigilance. Vithalbhai's making the Commander-in-Chief submit and express his regret to the House for the discourtesy by his absence without informing the Chair during the discussion of an adjournment motion arising out of his speech; discontinuing the practice of the President to vacate the Chair and sit among the members when Viceroy addressed the House; giving his casting vote against the first public Safety Bill; bringing about the removal of the control of the Government's Legislative Department over the Assembly Secretariat and setting up a separate and independent department of the Assembly, establishing the authority of the Chair over the precincts of the House in face of

tough opposition by Delhi Police, can be cited a few of the many such examples to show how he raised the dignity of the House under adverse situations. It was he, who, with his ability, impartiality, independence and above all courage of conviction, could enjoy the confidence of the Members of the Assembly. When he saw that he could not adequately safeguard the dignity, rights and privileges of the Members of the Legislative Assembly against the bureaucratic encroachment, and felt that it was no use to preside over the Assembly simply to register the decrees of the

executive in the absence of any opposition, he took no time in resigning from the Presidentship of the Assembly.

Though Vithalbai is no more with us, he will always be remembered by the grateful nation. I do hope that India and more specially the Presiding Officers of the Parliament and State Legislatures will follow the path shown by him in maintaining the dignity and decorum in the Legislatures and above all in keeping aloft the light of Parliamentary traditions and conventions lit by him.

## VITHALBHAI PATEL— AN OUT-STANDING PARLIAMENTARIAN

*by*

GULSHER AHMED,

*Speaker, Madhya Pradesh Vidhan Sabha.*

The public life of Shri Vithalbhair Patel embraces three phases—Patel as a lawyer, as a public worker and as a Parliamentarian. Although he has left a mark in all the three fields of his activities, he is remembered for his great works as Parliamentarian. As a public worker he was a great patriot who gave precious years of his life to the great cause for the struggle of India's independence. Here we are more concerned about his work as a Parliamentarian.

Shri Vithalbhair Patel had his grounding as a

Parliamentarian since his early days when he became a member of Bombay Legislative Council and later elected to the membership of the Imperial Legislative Council under the Morley—Minto Reforms. He had also been the President of the Bombay Corporation, before he joined the Indian Legislative Assembly as a non-official elected member in the year 1924, where he had earned the distinction of many firsts. In the year 1925 he was elected the first Indian President of the Indian Legislative Assembly after defeating the

Government sponsored candidate. Not only that he was the first Indian President but he had also earned the distinction of being the first elected President, for before that his predecessors were nominated by the Governor-General.

It is said that he was nominated as a candidate for the Presidentship by a party which believed in the wrecking the constitution from within. However, on his election as President, Shri Patel, by his actions earned the name as the greatest defender of the dignity of the House as also the privileges of its Members so much so that he was re-elected as its President in 1927 unopposed. In the words of Hon'ble Sir Brojendra Mitter, the then Leader of the House, during his obituary speech on the 20th November, 1933 on the floor of the House—

“In office, Mr. Patel was not a wrecker but a stout upholder of the Constitution and zealous custodian of the dignity and privileges of this Chamber.”

Shri Patel remained President of the Indian Legislative Assembly during 1925—30 and his task as the Presiding Officer of that august body was arduous because the House was neither representative nor the executive responsible to it. Therefore as an accredited representative of the Assembly he interpreted the Rules and Standing Orders of the Assembly liberally with a view to safeguard the rights of the non-official members of the House. He did not allow the Govt. to force Legislative measures on the Assembly against the wishes of the members or to curtail debate in the House on Govt. Bills and tried to safeguard the rights of the members against official encroachments. Some of his contemporaries criticised him for being harsh to the Govt. in his rulings but they forgot that like Speakers of the House of Commons in olden days who fought with autocrat Rulers for the rights and privileges of the House of Commons and its Members, Shri Patel had to perform a similar task, Shri Patel's performance as President of the Assembly could not therefore be judged by the

standards of the Speakers of independent countries. He had necessarily to fight for the privileges of the non-official members against the encroachment by a Govt., which was not responsible to the House.

During his Presidentship Shri Patel laid foundation of some of the privileges of that august office which are now enshrined in our Constitution. But he did not obtain these privileges easily and he had to put up a stiff fight with the then Govt. for getting them recognised. Most important among them were formation of a separate Legislative Assembly Department and Speakers' power to control the precincts of the House for maintenance of order and security.

Soon after his election as President, Shri Patel took up the question of having a separate Department of the Legislative Assembly over which he should have a Control, but the Government resisted his demand and as at that time Swarajist party in the House was in minority, he did not

succeed in his efforts. But at the same time he did not give up his efforts and he therefore, in 1926, convened a Speakers' Conference to consider the question of a separate Secretarial staff for Presiding Officers. Although his views were unanimously adopted by the Conference, the Government did not give up its resistance to his demand. Therefore, on his re-election unanimously as President in 1927 he made his famous declaration in the House that as President elected by the Assembly he was "responsible to the Assembly and to no other authority". It was that declaration which gives a key to the Speaker's position in the Constitution. In 1928 the House carried a motion, moved by Pt. Moti Lal Nehru for the formation of a Legislative Department under the President as a result of which a compromise was arrived at creating the Department legally in the portfolio of the Governor General, but the *de-facto* control rested unambiguously with the President.

In 1929 when two bomb explosions took place within the Assembly, Shri Patel took up with the

Government the question of having exclusive control over the security arrangements within the House and when the Government resisted his demand, he closed the galleries of the House for the visitors. Ultimately, the Government agreed to place the security arrangements within the precincts of the House under the control of the President.

Shri Patel did not hesitate to resign his office in 1930 when he felt that despite his efforts he could not adequately safeguard the dignity, rights and privileges of the Legislative Assembly against encroachments from the bureaucracy. He lent status and dignity to the institution of Speakership even under adverse and trying circumstances then

prevailing and rulings given by him during his Presidentship even to this day are looked upon by the Speakers of our Assemblies with great deference for guidance and inspiration. Shri Patel is a bright star in the entire galaxy of Speakers.

Shri R. N. Mathur summarised Shri Patel's performance as President in the following words :—

“President Patel's conception of office of the Speaker was realistic and appropriate to the political situation. He occupied the Chair as a true servant of the people, zealous on behalf of their liberties and prerogatives and as one who represented their feelings firmly, zealously and openly without fear of offending, or without any desire to conciliate the powerful bureaucracy”.

## SHRI VITHALBHAI PATEL AND HIS CONTRIBUTION TO PARLIAMEN- TARY LIFE IN INDIA

*by*

SHRIMATI K. S. NAGARATHNAMMA

*Speaker, Karnataka Legislative Assembly.*

Shri Vithalbhai Patel occupies a pre-eminent position in the Indian Parliamentary Life. Shri Vithalbhai Patel functioned as Speaker during a period which was very different from what it is today. He was the first elected Indian Speaker of the Central Assembly. The Institution of Speaker in India dates from 1921. The first President of the Central Assembly was Sir Federick Whyte. He was nominated by the Governor-General of the day for a period of four years. With the entry of the Swarajist Party (a group within

the Congress) into the Central Assembly in 1923, Indian opinion asserted for an elected Speaker of the House. The then Government also intended that an elected President should be chosen when Sir Federick Whyte's four year term ended. Although the Swarajist Party did not command an absolute majority in the House, Shri Vithalbhai Patel, who belonged to the Swarajist Party, was elected President of the Central Assembly defeating the rival candidate who enjoyed the official support. The Central Legislative Assembly under

the Government of India Act of 1919 was far from being a sovereign body. Its powers regarding Legislation and finance were very much limited. The elected members who were in majority were feeling frustrated against the Government which was irremoveable.

The passion of the members who entered the Legislative Assembly was to wreck the constitutional machinery. To preside over such a House was a very difficult task. In such a situation the Speaker was susceptible to be mistaken as supporting one party or the other. Shri Vithalbhai Patel functioned as Speaker in such stormy circumstances and came out unscathed. Morris Jones, an English writer has said that Shri Vithalbhai Patel who held office from 1925 to 1930 did more than any of his successors before 1946 to assert and consolidate the independence of the Chair. Shri Patel established the glorious tradition of dignity and independence of the Chair. Late Pandit Nehru said the following on the occasion of the unveiling of a Portrait of Shri Vithalbhai Patel :

“Now Sir, specially on behalf of the Government, may I say that we would like the distinguished occupant of this Chair now and always to guard the freedom and liberties of the House from every possible danger, even from the danger of executive intrusion. There is always that danger even from a National Government that it may choose to ride roughshod over others, that there is always a danger from a majority that it may choose to ride roughshod over the opinions of a minority, and it is there that the Speaker comes in to protect each single member, or each single group from any such unjust activity by a dominant group or a dominant Government. Vithalbhai Patel performed that function at a different time and performed it with remarkable ability. He laid the foundations of those traditions which have already grown up round the Chair which you, Sir, occupy with such distinction. I hope that those traditions will continue, because the position of the Speaker is not an individual's position or an honour done to an individual. The Speaker represents the House. He represents the dignity of the House, the freedom of the House and because the House represents the nation, in a particular way, the Speaker becomes the symbol of the Nation's freedom and liberty. Therefore, it is right that that should

be an honoured position, a free position and should be occupied always by men of outstanding ability and impartiality."

The following observations of Shri Vithalbai Patel when he was elected Speaker indicate his modesty of temperament and independence of thought :

I have not the slightest doubt in my mind Sir, (referring to Sir Federick Whyte) that you have made a splendid President, and by doing so you have made my task much more difficult. I know I will be judged by the standard you have set, and I have to strive my utmost to come up to that standard. I have absolutely no doubt that the Members of the Assembly will expect me to carry out the high traditions of this office which you have set up, and I will try my best to see that I acquit myself honourably.\*

Gentlemen, I thank you most sincerely for electing me to this Chair. I thank you again for the kind words that you have spoken this morning and for the best wishes that you have expressed. I frankly, confess, gentlemen, that the

\*Legislative Assembly debates 24th August, 1925. P. 25.

feeling uppermost in my mind just at this moment is that it will be difficult for me to carry on the duties of this office after having been engaged for 12 or 15 years in public activities. But I assure you that I have accepted this office with high hopes and fully realizing the implications involved therein. I had to consider in my mind, whether I would be more useful to the cause of my country by remaining a non-official Member of this Assembly or whether I could serve my country as usefully by accepting this Chair if you offered it to me. Before I made up my mind to stand as a candidate, the decision of this question worried me for days and nights, and ultimately I came to the conclusion that I would be serving the cause of my country better by the choice I have made and therefore I accepted it. The Swarajists are often described as critics, destructive critics; and it has therefore become their duty, whenever an honourable opportunity offers to show not only to this House but to the whole world that, if they know how to destroy, they know also how to construct. They have to show when real responsibility comes to them that they are ready to discharge the duties placed upon their shoulders. You know, gentlemen, the His Excellency the Viceroy was good enough to plead for co-operation for the new President from

all sections of the House; my predecessor, to whom we just bade good-bye, also pleaded for such co-operation, may I also appeal to every section of this House for the same co-operation? When I ask for co-operation, Gentlemen, I assure you that I am conscious of the fact that that it cannot be one-sided. Co-operation is always mutual; and I particularly ask the official Benches to bear this in mind that when I appeal to them for their co-operation, I am ready in every sense of the term to extend my co-operation to them. (Cheers) The principles which will guide me in the discharge of my duties have already been expressed by me in my letter to the Members of the Assembly. I should have liked to read out those words now, but I am sorry I have not got them with me. In the discharge of my duties, I shall, I assure you, observe strict impartiality in dealing with all sections of the House, irrespective of Party considerations (Cheers). From this moment, I cease to be a party man. I belong to no Party. I belong to all Parties. (Hear, hear.) I belong to all of you and I hope and trust, my Honourable friend, the Leader of the Swaraj Party, will take immediate steps to absolve me from the obligations of a Swarajist Member of this House, if, indeed, it has not been done by implication in consequence of my election to this

Chair. (Cheers). Misgivings have been expressed in some quarters, fears have been entertained, that I would not meet the Viceroy, that would do this, and that I would do that. I assure you, friends, that I am going to do nothing of the kind. If the duties of my office require me to see the Viceroy ten times a day, I am here to do so. If for the discharge of my duties it is necessary that I should see every official Member of this House, I will meet him. None need have any doubt it, and none need have any apprehensions about it. Once again, let me thank you for the co-operation that you have promised in the discharge of my duties. (Cheers). I will now ask Honourable Members to come up and shake hands with me.\*

Sri Vithalbhai Patel said the following during his address to the Presiding Officers Conference on 6th January, 1926 :

“We must remember that we have to create sound traditions of our own, and in doing so, we should always be willing to follow the House of Commons whenever possible and desirable, taking care at the same time not to slavishly imitate

\*Legislative Assembly debates 24th August, 1925. pp. 36-37.

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

Shri Vithalbai Patel interpreted the rules and standing orders liberally in order to safe-guard the rights of non-official members. He always saw that the Executive gave satisfactory replies to questions and not simply evade them. On 27th January, 1926, when a Minister was evading to answer a question relating to Law and Order in Bengal in the Central Assembly on the ground that the Law and Order was a provincial question, the President observed as follows :—

"It is high time that the Chair should intervene now. There is a strong feeling in the House that the information asked for should be supplied by Government and they would be well advised

if they consider the desirability of supplying that information."

Noting an official member going through files in the Chamber, the President once remarked : "Hon'ble Members should not turn this Chamber into their office." (P. 665, 12th Sept. 1928).

On more than one issue President Patel came into conflict with the Governor-General and on each occasion he exhibited a high degree of independence of the Chair. His assertion of the Chair's right to admit or disallow motions in the House is displayed in the classic example of the Public Safety Bill.

At the very commencement of his tenure of office as Speaker he refused to admit a Government motion to take into consideration the Public Safety Bill as reported by the Select Committee. At the time when the report of the Select Committee came, Government had launched the Meerut Conspiracy case in which certain persons alleged to be communists were tried for conspiracy

against the Government. On the 2nd April, 1929, President Patel made the following statement :

“Before I ask the House to resume the debate on the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration, I should like to make a few observations. Since we met last, I have been at pains to examine the speeches made by the Leader of the House from time to time on the Public Safety Bill on the one hand, and the complaint lodged by the Crown against the 31 persons in the Meerut Court. As a result of my labours, I have found that the fundamental basis of the Public Safety Bill is virtually identical with that of the case against the 31 accused. Honourable Members are aware that the rules of business of this House provide that no question shall be asked nor any resolution moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions. The question therefore arises, whether it is possible for this House to discuss the motion that the Public Safety Bill be taken into consideration without referring to any of the matters which are *sub judice* in the Meerut trial. I think there can be no two opinions that

real debate on the Bill is not possible. Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and rejection of the Bill would mean the rejection of that basis, and in either case such a course is bound to effect prejudicially the case for the prosecution or for the defence in the Meerut trial as the case may be. I do not see how in these circumstances I can legitimately allow the Government to proceed further with this Bill at this stage. I have decided, instead of giving any Ruling, to advise the Government themselves in the first instance to consider the observations I have made and postpone the Bill pending the Meerut trial, or, if they attach greater importance to the passing of the Bill at this juncture, to withdraw the Meerut Case and then proceed with the Bill.”

Government expressed themselves as unable to accept either of the two alternative suggestions put before them and the President finally gave his verdict on 11th April, 1929 ruling out the motion on the ground that it ‘involved an abuse of the forms and procedure of this House.’ The next day the Viceroy addressed the two Houses and

declared that it was imperative for Government to obtain the powers proposed in the Public Safety Bill without further delay. Accordingly he issued an Ordinance giving to the Executive the arbitrary power they needed. In the course of his address the Viceroy said that the interpretation given by the President was not in accordance with the rule. President Patel took exception to the observations of the Viceroy. The following observations of the President are very illuminating :

“I desire to make a statement on a question concerning the dignity and independence of this House and the authority the Chair which arose out of the address delivered in this Chamber to the Members of the Central Legislature on the closing day of the last session by the Governor-General. As Honourable Members are aware, it has been my constant endeavour, since I have been elected to this Chair, to uphold the dignity and independence of this House and the authority of the Chair to the best of my capacity. I have always maintained, and will continue to maintain, so long as I am in this Chair, that the House and the Chair are, subject to the constitution, supreme within the four walls of this

Chamber, and I would be unworthy of the confidence reposed in me by the House if I failed on any occasion to raise my voice in protest against any action which in my view seemed to challenge or undermine that supremacy.”\*

Mr. Patel thereupon wrote a letter to the Viceroy protesting against what he considered to have been the criticisms passed on his Ruling in the Viceroy's Address. But the Viceroy's Private Secretary answered stating that “His Excellency desires me to say that it was no part of his intention either to criticise the Ruling you had given or pass censure upon you for it, and that he fully shares your anxiety to maintain the dignity of the House and the authority of the Chair.”

Another instance of the conflict between the President and the Government relates to the maintenance of security arrangements within the precincts of the House. Government at first held that it had to be the judge of what measures were necessary, but President Patel on this issue ordered

\*Legislative Assembly debates 2nd September, 1929, pp. 109—112.

the closing of galleries for a month. After negotiations an agreement was reached that while Government had the control of the outer precincts, the inner precincts were placed incharge of a watch and ward staff which was responsible to the President. Thereafter he ordered the galleries to be reopened.

This is a pointer to the fact that President Patel laid the foundation of the Speaker's authority over the precincts of the House.

Credit for an independent Legislature Secretariat in India goes to President Patel. As soon as he was elected President, Mr. Patel took up the question of the separation of the office of the Assembly from the Legislative Department of the

Government of India. The Government in the first instance did not accept the views of the President in this matter. The President placed the matter before the Assembly itself. He declared that "as the President, elected by the Assembly, I am responsible to the Assembly and to no other authority." (22nd September, 1928). The House adopted a motion for a separate Legislative Assembly Department under the President. Thus came into being the Central Legislative Assembly Department with the President having his control over it.

In conclusion, it may be said that it is to Vithalbhai Patel that Parliamentary Institutions in India owe their special status that they possess today.

## SHRI VITHALBHAI PATEL—THE FIRST ELECTED INDIAN SPEAKER

by

NARAYAN S. FUGRO,

*Speaker, Goa, Daman and Diu Legislative  
Assembly.*

The celebration of birth centenary of the first elected Indian Presiding Officer is a significant event in the Legislative history of India, and is a fitting occasion to pay respect and homage to his memory and to recollect his contribution for the development of the democratic institutions in India.

The Presiding Officers of the Legislatures follow the British model and look to noble standards set up by Speakers of England for guidance

and inspiration. The office of Speaker in England originated in the year 1377. In India Legislature came into existence in 1854, but till 1920 the Governor General of India presided over the sittings of the Legislature as the "President". The Governor General of India was also the executive head of the Government and hence could not qualify as real 'Speaker' of the Legislature as he was not devoid of executive authority or non-partisan character as English Speakers'. After 1917, Montagu and Chelmsford Report on Indian

**Constitutional Reforms recommended a 'Presiding Officer' of Legislature to be a nominee of Governor General for efficient functioning of Legislature.**

Government of India Act, 1919 provided for appointment of 'President' of the Legislative Assembly and was appointed by Governor General of India for the first four years and thereafter the President could be elected by the Legislative Assembly and approved by Governor-General.

Accordingly, Sir, Frederick Whyte was nominated the first President, who was in office till 24th August, 1925 on which date the late Shri Vithalbhai Patel became the first elected President of Central Legislature. The Central Legislative Assembly then had very restricted Legislative and financial powers. The elected members who constituted the majority were frustrated for lack of power to control the oppressive and irresponsible Executive Government. We can imagine how difficult could be the task of the Presiding Officer in such a stormy atmosphere

when the Members were determined to destroy the Constitutional machinery by tactics and strategy.

Shri Vithalbhai Patel on assuming the office assured the Members that "in the discharge of my duties, I shall assure you, observe strict impartiality in dealing with all sections of the House irrespective of Party consideration".

It was Shri Vithalbhai Patel, who was the first Indian Speaker on this elevation to the Chair, to sever the ties with his Swaraj Party, following English convention and declared that "From this moment, I cease to be a party man. I belong to no party. I belong to all parties. I belong to all of you and I hope and trust, my honourable friend the Leader of Swaraj Party, will take immediate steps to absolve me from all obligations of a Swarajist Member of this House, if, indeed, it has not been done by implication in consequence of my election to this Chair".

In 1930, Congress at Lahore passed a Resolu-

tion to boycott the Legislatures. Shri Vithalbhai Patel explained his position as Speaker in the following words "The President is above all parties and he would be unworthy of the confidence reposed in him if he were to allow his conduct to be influenced by any Party in or outside this House. I venture to think that this principle must and will hold good under any form of Government . . . . .

Absolute independence and impartiality are the two essential attributes upon which, at once the influence of the President and the confidence reposed on him, are founded".

Speaker Patel, following English traditions, stood as an independent candidate for General Election in the year 1927 and was returned unopposed.

Shri Vithalbhai Patel was the first President of Central Legislative Assembly from 1925 to 1930. During his tenure he exhibited excellent qualities

of an ideal Speakership like impartiality, firmness, patience, courtesy, prudence, self-control, urbanity and acted as a counsellor, a friend and a guide to members.

To honour such a great pioneer a commemorative postage stamp has been released by Shri G. S. Pathak, Vice-President of India, on 27-9-1973 to mark the birth centenary of Shri Vithalbhai Patel.

In Lok Sabha, overlooking the Chamber a solitary portrait of Vithalbhai Patel is hung to give him the pride of place as one who fought fearlessly to establish high traditions to assert complete independence of the Chair. This portrait was unveiled on March 8th, 1948. His life size statue has been erected at Chowpathy in Bombay to cherish his memory.

Shri Vithalbhai Patel will be always remembered for his spirit of impartiality and independence, with which he presided over Central Legislative Assembly from 1925 to 1930 during British Raj.

VITHALBHAI J. PATEL—  
HIS CONTRIBUTIONS  
TO THE PARLIAMENTARY  
LIFE

*by*

H. THANSANGA,

*Speaker, Mizoram Legislative Assembly.*

The first Indian Legislative Assembly was instituted in 1921 under Government of India Act, 1919. The first President (as the Speaker was known then) of the Central Assembly was Sir Frederick Whyte, a member of the House of Commons who was nominated by the Governor-General of India as the President for a term of

four years. His tenure lasted from 1921 to August, 1925.

When the non-co-operation movement was suspended, Swarajist Party was formed within the Congress. In 1923, there were General Elections. The Swarajists went into the Central Legislature.

They put up Vithalbhai J. Patel as their Candidate for election to the Office of the President. Since the Swarajists did not command an absolute majority in the House, it was perhaps with some surprise as well as with jubilation that they found their Candidate elected by 58 votes to 56, defeating the rival Candidate who enjoyed official support. Thus he was the first elected President of the Central Assembly.

Vithalbhai J. Patel was born on September 27, 1873 and died on October 22, 1933 in the Clinic at Geneva. Before his election to the office of President, he was a member of the Central Assembly. In 1924, he brought a resolution in the Central Assembly at Delhi for the removal of restrictions in the way of Mr. Horniman's return to India.

Vithalbhai J. Patel was a pioneer parliamentarian who by his great tenacity and courage made the Indian Legislature what it is today. We shall now have a brief discussion on some of his con-

tributions to the establishment of healthy parliamentary conventions and practices.

1. *Independence of the Chair and Assembly Secretariat.*—The Old Central Assembly was not a sovereign body. It could make Standing Orders relating to the conduct of its business, but they were subject to the approval of the Governor-General. They could be superseded by the rules made by the Governor-General with the approval of the Secretary of State. The Government was not responsible to the people. Vithalbhai J. Patel did more than any of his successors before 1946 to assert and consolidate the independence of the Chair. He was fully conscious of his role as the first elected non-official President of the Assembly. He was, however, determined to carry out his duties not merely as a Chairman, but also as a custodian of the rights and privileges of the members of the House. He allowed members to table adjournment motions liberally for censuring the Government for its acts and omissions irrespective of the wishes of the Treasury Benches. He did

not allow the Government to force legislative measures on the Assembly against the wishes of the members or to curtail debate in the House on Government Bills and tried to safeguard the rights of the members against official encroachments. He discouraged the Government members from transacting the official business on non-official days.

As soon as he was elected President, V. J. Patel took up the question of the separation of the office of the Assembly from the Legislative Department of the Government of India. He convened a Speakers' Conference to consider the question of a separate secretariate staff for Presiding Officers. The Speakers' Conference unanimously adopted his view and he took up the matter immediately in 1926 with the Government. But the progress was very slow. When he was re-elected to the Chair in 1927, he took up the question again with the Government. When the Government did not accept his views, he submitted his proposals direct to the Legislative Assembly. He announced

in the House: "As President, elected by the Assembly, I am responsible to the Assembly and to no other authority". It was that declaration which gives a key to the Speaker's position in the Constitution. In 1928, the House carried a motion moved by Pt. Motilal Nehru, for the formation of a separate Legislative Assembly Department under the President. The Imperial Government agreed to create a separate Department legally in the portfolio of the Governor-General but under the *de facto* control of the President.

V. J. Patel also succeeded in asserting the authority of the President over the maintenance of order and security in the precincts of the House. He asserted that there should be proper respect for the Chair. And nothing should be said not only in the House itself but also elsewhere which in any way detracted from the authority of the Speaker or amounted to criticism of his action in disparaging terms.

2. *Impartiality and party neutrality.*—President

Patel, so long as he was in the Chair, tried to uphold the traditions of impartiality and party neutrality evolved in England in the discharge of his duties. During his term of office, President Patel kept himself aloof from party interests. In the election of 1926 he refused to stand on the Congress ticket. He stood as an independent Candidate from his old Constituency and was re-elected President unanimously. When the Congress at Lahore, in 1930, passed a resolution to boycott the legislatures, many friends were anxious to know how President Patel proposed to act in the matter of implementing that resolution. He remarked, "I am quite clear that it would be wrong and indeed dangerous for any President to act on the mandate of any political party in or outside the House".

President Patel's task was a difficult task. On one hand, he had to deal with a Government which was both irresponsible and irremovable and which was supported by a minority of members, on the other, he was confronted with the majority

of the elected members who were suspicious and sullen under the strain of growing frustration. The Semi-democratic set-up of the Assembly, the fears and doubts of a minority Government, the high hopes and expectations of the Opposition and the fact that he came from the ranks of the Opposition and had an active political past, all these factors together placed him between the two horns of a dilemma. In his statement regarding the atmosphere of suspicion and distrust in the House he declared: "I shall always be content to leave my conduct in the Chair to the Judgment of this House and of every fair, impartial and honourable man outside it". That statement clearly indicates that he refused to lend himself to become an instrument in the hands of official or non-official leaders and always acted with a conviction that his main concern was to discharge his duties as guardian of the House. Despite many difficulties created by the bureaucratic set-up and the discouraging absence in the country of parliamentary atmosphere and spirit, President Patel had scrupulously tried to attain a large measure of impartiality.

lity. On his selection, he assured the House that he would be fair to all and said :

“In the discharge of my duties I shall, I assure you, observe strict impartiality in dealing with all sections of the House irrespective of party consideration”.

3. *Fighting for Independence of India.*—President Patel had to resign due to the Civil Dis-obedience Movement in 1930. He was arrested and put in jail along with Pandit Malaviya and Dr. Ansari. When arrested he said, “I have got my pension and peerage”. The resignation of President Patel coincided with the withdrawal also of most Congressmen from the Assembly. When

Congress Working Committee was declared unlawful in 1932, V. J. Patel and forty others were arrested again. He fought for freedom of his people from the foreign yoke. In 1933, he attended a huge meeting in London and condemned the White Paper. In the Legislative Assembly which he presided from 1925 to 1930 he stood for the rights and privileges of the non-official members who were the representatives of the common men.

The people of India today particularly the legislators in the Union Parliament as well as in the State Legislatures owe very much to late Vithalbhai J. Patel for his valuable services to our Motherland.

# VITHALBHAI, THE 'JANAK' OF INDIAN POLITICS

*by*

**DR. RAM GOBIND SINGH**

*Deputy Chairman, Bihar Vidhan Parishad*

There is, at times, a moment in the history of mankind when the sky is studded with constellations all shining with unprecedented brilliance and sending forth their illumination pervading a nation with vast glory. The late lamented Vithalbai Patel was one such constellation of the national firmament. He was a patriot of the highest order being at the same time, a social revolutionary. He

was nominated President of the Central Assembly at a time when such opportunity smiled very rarely upon an Indian.

He was a 'Janak' reincarnated. Even as a president of the Central Assembly, he was selflessness personified. He was impartial and judicious. With these qualities he enhanced the prestige

of his office without any eye to the consequences. The position of a Presiding Officer at the time was such that one could succumb to the view to getting temptation of favour with the Viceroy with a place either in the Viceroy's Executive Council or of a province. Vithalbhai never exploited his position or achieving these ends. The day he took office as the President of the Central Assembly, the fragrance of his personality began to be felt and the greatness in him also began to unfold itself. Perhaps no person than Vithalbhai was ordained to hold this office of the moment. The throne of a Presiding Officer was never a bed of roses. In a House surcharged with bitter opposition and sharp wits, it required a person with a very cool head and a stout heart to steer clear the proceedings of the Assembly. The atmosphere in the country was also surcharged with nationalism. There was a Government altogether alien to the country whom people wanted to throw out beyond the seven seas. Apart from the Indian National Congress, the body politic of the country was also divided into many factions, some prominent,

some not so prominent, some working for the disintegration of the Nation. Amidst these centrifugal forces acting upon each other, the office of the President was by no means one of peace and tranquillity. Placed in that delicate situation, Vithalbhai without caring for the consequences, conducted the business of the House with an iron hand, commanding the dignity and decorum due to that august body.

At that time the Government benches were represented by the Members of the Viceroy's Executive Council most of whom were Englishmen. Vithalbhai however showed not the least leniency towards them. He would pull up even the Commander-in-Chief of India. It was, as if, an Indian had altogether forgotten that he belonged to a community being ruled. This was something not easily swallowed by the ruling race at large.

The two facets of his personality asserted however. He was an extreme nationalist at heart and when needs arose never failed to contribute his

mite to the national causes. On the other hand he stood for rectitude in Parliamentary conduct.

This 'Janak' of the Indian politics shall always be remembered by posterity.

# SHRI VITHALBHAI PATEL— A STOIC AND TRUE DEMOCRAT

by

C. U. CHODANKAR

*Deputy Speaker, Goa, Daman and Diu Legislative  
Assembly*

'It is futile to expect that we can ever bring about a change of heart in our rulers merely through our sufferings or by trying to love them . . . . . Non-co-operation will have to be changed into a more militant one and fight for freedom to be waged on all fronts'.

V. J. Patel

Subhash Chandra Bose

Vienna  
9-5-1933

This extract from Bose-Patel manifesto will clearly indicate courage and fortitude of the great Nationalist, Shri Vithalbhai Patel. Shri Vithalbhai had been one of the prominent Nationalists on Indian scene from 1920 till his death in 1933.

Shri Vithalbhai Patel was an advocate by profession. He had been with Congress for a long period. He had been General Secretary of the

All India Congress Committee. He visited England in 1919 as a Member of deputation.

On adopting the plan of Deshbandhu Shri C. R. Das to enter Legislature, he stood as a candidate and was duly elected and also elected as a President of the Central Legislative Assembly in 1925. He was the first elected presiding officer of the Central Legislative Assembly. He performed his functions with remarkable ability and success. He always acted within the limits of the constitution and with such fairness that the Treasury Benches dreaded his independent and impartial rulings. Without any parliamentary precedents to back him, he always upheld the rights and privileges of the Members and gave the opposition a status which they would be entitled in a free country enjoying a democratic pattern.

Following English conventions, on taking the Chair, he severed his connections with the Swaraj Party and became a non-party Speaker, as he felt that if the party, on any critical occasion, issued

a mandate, politely expressed as a request, the Speaker, if a party man, could not be expected to ignore it. Any compliance with the party directive, even though reluctantly made by a Speaker with a party label, will be damaging to the democratic institution of the office of the Speaker. By severing his connections he could be absolutely independent and impartial. As a President, he guarded and maintained his reputation for impartiality at all costs.

With a strategic position as an intermediary between the Viceroy and the peoples' representatives, he persuaded the Viceroy that he should personally meet Mahatma Gandhi and Shri Motilal Nehru and attempted to bring about an understanding between them. The meeting ultimately took place.

Following the procedure in the British House of Commons, he stood as an independent candidate and was re-elected un-opposed in 1927 to Central Legislative Assembly. On his being re-

turned un-opposed Sir Alexander Muddiman said 'You are entitled to a legitimate feeling of pride that you have been returned un-opposed by your constituency at a general election which I have reason to believe was conducted with some acrimony'. In reply Speaker Patel said "I thought that as I had made up my mind to serve the Assembly again as its President if I was elected, the safer course for me was to stand as an independent candidate in order to guard against future misunderstandings".

In 1929, when the bomb was thrown in the Assembly premises the British Government wanted to take control of the guards of Assembly premises. President Patel, had a tough fight with the British Government to thwart their attempt to interfere. He also separated Assembly Secretariat from Government control and brought it under his control as President of the Central Legislative Assembly. Shri Patel was an expert in parliamentary procedure. He fought for the strict adherence to the constitutional procedures, and so

jealously upheld the prestige of the House that he won the respect of Viceroy Lord Irwin.

He exhibited a great sense of independence and impartiality while tackling the situation created by the Lahore Congress Resolution of 1930 to boycott the Legislative Assembly. Many a time he had to face difficult tasks as an impartial presiding Officer in the stormy conditions created by the parties which were fighting for India's freedom, a cause to which he himself was devoted.

Pandit Madan Mohan Malaviya was leading the Independent Party which was an opposition party in the Assembly. As a protest against the principle of Imperial Preference in connection with Cotton Tariff Bill, Pandit Malaviya resigned from the Assembly with his followers. Shri Vithalbhai Patel resigned from the Presidentship in 1930 for two reasons firstly that resignation of the Congress party and Independent party the Assembly had lost its representative character and, secondly, because he was opposed to British

Government's reaction to certain constitutional questions.

Shri Patel was responsible for founding Indo-Irish League in Dublin. He was a man with zeal and a mission. On his return from United States, after three months' propaganda about granting freedom to India, he visited Geneva to explore the possibility of utilising the League of Nations for advancing the cause of India's freedom. He was taken ill during his visit to Geneva and died in a Swiss Sanitorium near Geneva on 22nd October, 1933 of heart attack. He was sixty then. His

mortal remains were brought to Bombay where they were cremated. The property which he left behind was utilised for the national work according to his wish. Shri Vithalbhai Patel's life was so unblemished and he set such high standards in public life that it will serve as a model for others to follow.

The publication of commemorative volume to celebrate the birth centenary of Shri Vithalbhai Patèl, which fell on 27th September, 1973, by Lok Sabha Secretariat, will cherish the memory of a true democrat and a parliamentarian of high calibre.

# VITHALBHAI PATEL— A DISTINGUISHED PARLIAMENTARIAN

*by*

LATE SHRI DAHYABHAI PATEL

Some persons are born great, some achieve greatness and greatness is thrust on some. Vithalbai Patel who was born at Nadiad in 1873 and rose to Himalayan heights on the Indian national scene belonged to the second category.

His early education began at a village school at Karamsad when he was only five. While at school, when he was only nine, he had to get married only to please his parents. After passing the school final examination in 1891 he passed the District Pleaders' examination four years later.

He along with his younger brother the late Sardar Vallabhbhai Patel, then moved to Borsad and started legal practice.

During the seven years of legal practice at Borsad, Vithalbai conducted several civil and criminal cases. One of the important cases in which he appeared was known as the Shukla Case. Mr. Shukla, the then subjudge of Borsad was alleged to be corrupt and several complaints were made against him. Vithalbai moved the High Court to hold a public enquiry into the doings of

this notorious officer who was later found guilty and was forced to retire.

After a successful career at the bar for nearly eight years, Vithalbai decided to go to England to become a Barrister. During his three years' stay in that country, he came into contact with Dadabhai Nauroji and learnt from him the complex Indian problems and the need for an all-round agitation—through the Press, platform and legislature—to awaken British conscience for the grant of freedom for his motherland. So, he decided to enter the Bombay Legislative Council through the constituency of District Local Board defeating a powerful rival, by a liberal margin.

The Morley-Minto reforms gave Vithalbai an opportunity of entering the Legislative Council in 1912. In a House of 48 members including officials and *ex-officio* members, 21 were elected and 14 non-officials had been nominated. This was an opportunity for him to bring together all the non-official members, both elected and nominated

together on one platform. With the active help of Dr. R. P. Paranjpye and Mr. B. S. Kamat, both nominated non-officials he founded an Association of non-official members of the Bombay Legislative Council. Sir Dinshaw Petit joined him and became a joint honorary Secretary along with Vithalbai. By thus bringing together all non-official forces, Vithalbai succeeded to a great extent in influencing the decisions of government in several matters affecting public interests.

In March 1915, he moved a resolution in the Council for the fixation of the salary of the Official Assignee who by way of commission earned an income of Rs. 10,000 a month. He urged that the Officer should be paid a fixed salary. Lord Willingdon, the Governor of Bombay, who was in the Chair, fully appreciated the view point of Vithalbai and promised to consider the desirability of putting that dignitary on a pay-scale commensurate with his duties and responsibilities.

His great achievement was the passage of the Primary Education Bill which was an enabling

measure permitting municipalities to introduce free and compulsory primary education in their respective areas. It was based more or less on Gokhale's bill which he had introduced in the Imperial Legislative Council. As a member of the Bandra Municipality, Vithalbhai was responsible for introducing compulsory primary education in that suburb. Lord Willingdon in his capacity as President paid Mr. Vithalbhai a glowing tribute for his painstaking efforts in piloting such a useful measure.

The members of the Bombay Legislative Council showed their appreciation of the valuable services rendered by Vithalbhai by electing him unanimously to the Imperial Legislative Council in the vacancy caused by the resignation of Ibrahim Rahimtoola.

In the Imperial Council, Vithalbhai introduced a bill to make valid by law marriages between Hindus of different castes. This was on the lines of Mr. Basu's bill which had lapsed. There was an

uproar from the orthodox members of the Council led by Pandit Madan Mohan Malaviya, while Sapru, Sastri and Khapade warmly supported this measure. The Home Member, William Vincent on behalf of the Government said that they were prepared to accept the motion for leave to introduce the bill and circulate it for eliciting public opinion. Owing to dissolution of the Council, the bill lapsed.

Early in 1919, two bills *viz.* The Criminal Law (Emergency Powers) and (2) Indian Criminal Law (Amendment) Bill popularly known as "Black Bills" based on the recommendations of the Indian Sedition Committee presided over by Lord Rowlatt, were introduced by government in the Imperial Council. Earlier, the Bombay Special Congress of which Vithalbhai was the moving spirit and Chairman of the Reception Committee, had condemned the recommendations of this Committee (Rowlatt Committee) as they interfered with the "Fundamental Rights" of the Indian people and came in the way of the healthy growth

of public opinion.

In order to fight this new legislation, Gandhiji threatened to start Satyagraha if it was proceeded with. Vithalbhai decided to fight the same from inside the legislative chamber with all his might. First, he would move for the postponement of the very introduction of the bills for six months. He told the House that revolutionary crime was really the outcome of political and administrative stagnation. In his opinion, the remedy did not lie in repressive measures which in turn brought revolutionary crime into existence.

When Government persisted in proceeding with the bills, he moved over 250 amendments to several clauses of the bill with the result that it took several days to get the legislation passed by the official majority. Even night sittings had to be resorted to in order to expedite the passing of this unwanted measure.

But unfortunately for government, the sustained

agitation put up by Gandhi and other progressive political organisations, had its effect and the Act remained a dead letter.

In August 1917, the new Secretary of State for India, Mr. Edwin Montagu made an important announcement in Parliament in which he declared that the goal of British policy in India was the progressive realisation of responsible Government. To that end, he hoped to visit India and make the necessary recommendations to the British Government. The report when published was strongly criticised by all parties except the moderates. The Special Congress (1918) at which Vithalbhai played a prominent role expressed its opinion that the recommendations made in the Montagu-Chelmsford Report were unsatisfactory and disappointing.

Early in 1919, Mr. Montagu introduced in the House of Commons his India Bill and after its second reading, a Select Committee with Lord Selbourne as Chairman was appointed to examine

the provisions and to hear evidence. Several Indian political parties went to England to do propaganda work in connection with this bill. The Congress Party was represented by Vithalbai, Madhav Rao and later they were joined by Tilak, Khapade, Hasan Immam and Bipin Chandra Pal. Vithalbai acted as Secretary.

An effort was made to reconcile the differences between the moderates and nationalist opinion on the bill but it failed. The British Committee of the Congress also did not cooperate with the Congress delegation and Vithalbai had to plough a lonely furrow along with his colleagues.

In order to create favourable opinion among the British public on India, Vithalbai in a reasoned memorandum to the Committee urged the necessity for the repeal of all repressive laws including the Rowlatt Acts and inclusion in the proposed Bill a Declaration of Rights in order that the reforms may be acceptable to the people of India as a sincere attempt to place the country

on the road to responsible government. He and Madhav Rao were closely examined by the Selbourne Committee and they were very much impressed by Vithalbai's knowledge of constitutional questions. Whenever Vithalbai was free, he addressed along with his colleagues Tilak and Pal, several meetings both in London and in the suburbs.

The British Committee of the Congress, although it did not cooperate with the Congress delegation, recorded its appreciation of the valuable services rendered by the delegation and especially by Mr. Patel "to whose industry, tact and good judgment much of the success is due".

In 1921, Vithalbai resigned from the Indian Assembly to join the Satyagraha movement started by Gandhiji and Vallabhbhai at Bardoli. Though he had not much of faith in this no-tax movement, he plunged into it for the sake of his leader Gandhiji. He believed that undermining and overthrowing British Imperialism was a

material problem and no amount of non-violent non-cooperation would serve this purpose.

In 1922, he desired to enter the Bombay Municipal Corporation but there was a hitch. He was not a voter because he had not been paying any taxes. He got a friend's car transferred to his name and became a rate payer. He was elected from the Mandvi ward. Soon after, he founded the Nationalist Party and was elected Chairman of that Party. Thereafter, he was elected Chairman of the Schools Committee and persuaded that Committee to introduce free and compulsory education in F and G Wards. He also introduced the teaching of Hindi and gave special encouragement to the education of the scheduled castes. Swadeshi was introduced in all departments of the Corporation. At his instance, the Corporation passed a resolution banning the use of articles manufactured in any part of the British Empire, by any department of Corporation, except when they were not available in any other part of the world.

A year later, he was elected President of the Corporation. He took great interest in the founding of the G.S. Medical College and the K.E.M. Hospital. One of the most important acts of his presidential regime was the civic address to Gandhiji, the resolution for which was carried against the strongest opposition led by Homi Modi. His refusal to receive Lord Reading, the new Viceroy and attend the functions in his honour greatly upset his Progressive Party colleagues. When he resigned his membership of the Corporation a year later, the then Municipal Commissioner, Mr. H. B. Clayton said that no Councillor had ever the least occasion to doubt the impartiality of his decisions. This was a great tribute paid to any President by a prominent member of the Indian Civil Service.

Vithalbhai entered the Indian Legislative Assembly in January 1924 on Swarajya Party ticket and was elected Deputy Leader of the Party. During the first year, two important bills to further amend the Indian Penal Code and Code of Crimi-

nal Procedure were introduced by him. By the first one, he wanted that the punishment for sedition should not be transportation or rigorous imprisonment but simple imprisonment while by the other, he wanted to do away with some of the racial discriminations provided in the original Act. He, however, did not succeed in getting them passed by the Assembly.

In August 1925 when the Assembly was called upon to have an elected President in pursuance of the Provisions of the Government of India Act, 1915 Vithalbhai was elected President. The first thing he did was to do away with racial discrimination in the matter of toilet facilities. There were separate toilet rooms for Europeans and Indians in the Assembly Chamber and he ruled that these distinctions should go. Secondly, he wanted every member including those on the Treasury Benches to bow to the Chair whenever he entered or left the Chamber. This rule was very much resented by the European members of the Assembly.

The Assembly was dissolved in the following year and Vithalbhai got himself re-elected to that august body, this time he was unanimously re-elected as President. Later in the year, he paid a visit to England on a study tour of Parliamentary affairs. He paid a courtesy call on Lord Birkenhead who was then Secretary of State for India but that dignitary was absent and did not care to reply although Vithalbhai left his card before leaving the India Council. Vithalbhai complained about this incident to the King on whom he called a few days after.

The introduction of the Reserve Bank Bill met with many reverses. Government wanted to bar members of the legislature from being appointed on the Board of the Reserve Bank but this proposal was lost by a large majority. According to Vithalbhai, the methods adopted by government in dealing with this Bill vitiated the proprieties of the House as to constitute it as an abuse of its form and procedure. Further, it provided a shareholders' Bank as against the decision of the

**Assembly in favour of a State Bank. Government felt Vithalbhai had made their position weak and withdrew the bill.**

**A little later, Government introduced a Public Safety Bill which was a measure to sabotage the growth of Indian Nationalism in the country and for suppression of the legitimate activities for the political and economic advancement of the masses. It received the strongest opposition and even the nominated Indian members opposed the measure. After a heated debate, the report of the Select Committee of the bill was put to the vote but there was a tie and Vithalbhai in following the strict parliamentary tradition, gave his casting vote for *status quo*. This action naturally enraged the Treasury Benches. Three months later, government introduced a second Public Safety Bill with the object of putting down certain types of political propaganda which government considered objectionable. The speech with which the Home Member Crerar had initiated it contained almost verbatim the charge sheet against the communists**

**in the conspiracy case that was being heard before a Special Tribunal presided over by Mr. Justice Yorke at Meerut. Vithalbhai asked the government that in view of the conspiracy cases in which 31 persons had been brought to trial government's arguments in support of the proposed bill would prejudice the trial. He therefore suggested that the bill should be postponed till the trial was over. But government was adamant.**

**Vithalbhai desired members to express their views whether it was possible to have a real and reasonable debate on the motion before the House in view of the pending prosecutions at Meerut. Further, the President asked the members to express their opinion on the powers of the Chair to intervene at that stage. These two points were argued at great length while government benches disputed the interpretation of the rules and standing orders by the Chair. They did not accept the advice offered by him. Vithalbhai felt that no real or reasonable debate on the bill was possible. The only course left to him was to give his ruling which**

was his inherent right to do.

In this surcharged atmosphere, two bombs were dropped from the Visitors' gallery causing injury to some members. After the confusion subsided, Vithalbai read out his ruling. He said that the Chair had inherent powers to rule out any motion on the ground that it involved an abuse of the forms and procedure of the House and as such, he had no option but to rule it out of order. The Treasury benches were stunned at this ruling.

Government lost no time in advising the Viceroy to take immediate steps to restrict the powers and authority of the President. The Viceroy came to the Assembly Chamber and declared that he would avail himself of the authority conferred upon him under Section 72 of the Govt. of India Act by issuing an Ordinance giving his government the necessary powers to re-introduce the new defunct Public Safety Bill.

Vithalbai greatly resented this move to publicly censure him in the very precincts of the House

over which he was presiding with grace and dignity. As the Assembly was to be shortly prorogued and he was proceeding to England on a political mission, the only course left for him was to protest against the Viceregal pronouncement. No further move was however made to re-introduce this obnoxious bill.

Vithalbai's personal relations with Lord Irwin, however, remained as cordial as before. Both of them met often and exchanged views on a variety of topics of general interest.

During the latter part of 1927, the British government appointed an all-white Commission under the Chairmanship of Sir John Simon. The whole country decided to boycott the Commission which arrived in India in 1928. The day of their arrival in Bombay was observed as a "Black Day" and demonstrations were held all over the country. Vithalbai did not take any notice of the Commission although several attempts were made by the officials and others to persuade him to invite

Simon to the Assembly Chamber. Vithalbhai would not oblige unless Simon paid a courtesy call on him at his house before an invitation could be extended. This Simon did later.

The Lahore session of the Congress under the presidency of Jawaharlal Nehru defined the political goal of India to be "Complete Independence". Vithalbhai desired to be with the people rather than with the legislature of which he was the distinguished Head. He, therefore, tendered his resignation which was accepted by Lord Irwin with great regret.

He then plunged himself into the National Movement and courted arrest but was released earlier on account of serious illness. He was taken to the jail hospital for examination and while he was under examination the table over-turned and

he fell down with the table falling on him. Was this purely an accident is a mystery not yet solved? He left for Europe where he died in 1933.

Thus ended the magnificent political career of a man of iron will. Vithalbhai had a mind sharp as a razor's edge and a keen intellect capable to solving difficult and intricate legal problems and disentangling the most complicated facts.

He had a subtle humour and readiness of wit which made his repartees often delightful and produced phrases and fancies of characteristic daintiness. He touched nothing that he did not adorn. His geniality was infectious.

Above all, Vithalbhai was humanist and believed in the spirit of humanism transcending all barriers of caste, creed or colour.

## V. J. PATEL—AS PRESIDENT

by

D. N. MITHAL

*Former Secretary, U.P. Vidhan Sabha*

Sir Erskine May has said that the 'Speaker of the House of Commons is so essential a piece of machinery that without him the House has no constitutional existence ! In fact the Speaker is a pivot of whole parliamentary fabric. The office of the Speaker is unique in character. Integrity, judgment, common sense, patience, conduct, self confidence, presence of mind, firmness and temper with kindness, in addition to his impartiality, are the characteristics of the holder of the office of the Speaker. No Speaker can discharge his duties effectively and win the confidence of all sections of the House unless he so conducts himself in the

House that it gives an impression of his impartiality.

President Patel had all the above qualities in abundance. Soon after his election as the President of the then Central Assembly he declared in the House 'I belong to no Party, I belong to all Parties.' During his whole tenure as President of the Central Assembly he conducted himself in the House as a fearless President. Not only this, he laid down and upheld the traditions associated with the office of the Speaker and maintained high standard of character. Whether it was independence of the Legislature Secretariat or the dignity and the status of the Speaker or the privileges and

honour of the House or the relationship of Presiding Officers with the Head of the State and Executive, he showed his mettle and stood to the test. While addressing the Conference of the Presiding Officers over which he presided in 1926, he said 'It shall be our constant endeavour to meet the wants and desires of the members as much as possible, while not in the least measure lowering the high standard of strictness and impartiality which we have learnt to associate with the office of the Speaker. In that endeavour we shall have to explore the possibilities of construing the existing statutes, rules and orders in as generous a manner as is consistent with their object and language without doing violence to the well-established traditions of Parliamentary life. But we must remember that we have to create sound traditions of our own, and in doing so we should always be willing to follow the House of Commons whenever possible and desirable, taking care at the same time not to slavishly imitate British Parliamentary traditions whenever they do not conform to Indian needs and Indian conditions.

Such a task is well worth our earnest efforts and I trust that we shall succeed in reconciling the desire for freedom and action which we felt and which our fellow members feel, with that sense of responsibility which should characterise all activities of a country's Legislature.'

President Patel had his way and did all that he desired during his tenureship as President. Besides, President Patel has also decided and acted upon to establish the tradition that the Speakers should retire from active party politics and resign from their parties as soon as they are elected to the office. Soon after the constitution of the new Assemblies under the Government of India Act, 1935, this tradition established by him was reiterated by the Presiding Officers Conference in 1938. The general view of the Conference was that the English Speaker owed his position and authority to his complete severance from politics and the practice of the British House of Commons and that should be the model of the Speakers and the Presidents of the Legislatures in this country.

It is regrettable that this tradition is not generally being followed even after Independence, and has remained a pious hope so far.

Even in the matter of independent separate Secretariat, in spite of the fact that President Patel had been successful in having such an independent Secretariat at the Centre and in spite of the fact that provision for it was made in the Constitution,

we have not been able to establish free, independent separate Secretariat in the States.

The democracy in India is passing through a dangerous and precarious conditions and if we do not lay down and follow healthy parliamentary traditions and conventions so ably and fearlessly laid down by President Patel, there is a danger of parliamentary system crumbling.

# VITHALBHAI PATEL— AN ILLUSTRIOUS SON OF OUR MOTHERLAND

*by*

B. N. BANERJEE

*Secretary-General, Rajya Sabha*

On the 8th April, 1929, as the President of the Central Legislative Assembly, Shri Vithalbhair Patel rose to give his historic ruling on the Public Safety Bill (the Second Bill), a dramatic incident took place and prevented him from giving his ruling on that day. Hardly had the President opened his lips, when two bombs thrown from the Visitors' Gallery exploded among the Official Benches with a defeating sound and created a situation of utter confusion in the Assembly. Because of this unprecedented happening, Shri Patel adjourned the House till the 11th April.

When the House assembled on the 11th April, he gave his ruling which proved to be, so to say, a more powerful bomb—a constitutional bomb—so far as the Treasury Benches were concerned. He held by his ruling that the motion for consideration of the Public Safety Bill which was then before the House was out of order.

A great controversy had been raging in the country over this Bill whereby the Government intended to arm itself with powers which would have enabled them to suppress any progressive

movement in the country. A point of order had been raised in the Assembly that no real debate on that Bill could take place without referring to matters which were *sub judice* in a case filed against 31 persons in the Magistrate's court at Meerut, which came to be known as the Meerut Conspiracy Case. The Government side took the position that although some of the matters contained in the Bill raised issues which were pending before the Court for adjudication, a useful debate could still be held on the Bill. The Home Member also argued that the Chair had no power to rule the motion for consideration of the Bill out of order. Shri Patel, who was of the view that no real debate could be held on the Bill without discussing matters which were pending before the Court for adjudication, had advised the Government either to postpone consideration of the Bill or to withdraw the Meerut case. The Government would agree to do neither. Shri Patel had therefore, to give his ruling on the motion for consideration of the Bill which became a historic one. In his ruling, he held :

“I am of the opinion that although the power to rule this motion out of order is not expressed in so many words in any of the Rules and Standing Orders, *it does arise by necessary implication and analogy*, and I am further satisfied that, in any case, the Chair has the *inherent* power to rule out a motion on the ground that it involves an abuse of the forms and procedure of this House, as this motion, I hold, does. I, therefore, rule it out of order.”

It may be pointed out that three months earlier, the Government had introduced the first Public Safety Bill which also was of a very controversial nature and, if enacted, would have enabled the Government to suppress certain progressive movements in the country. After a heated debate on the motion for consideration of the Bill, the House divided on the motion and the result of the division was 61 to 61. In other words, there was a tie on the motion Shri Vithalbhai Patel announced the result of the voting as follows :

“Here is an equality of votes; 61 against 61.

My own opinion is that, if any party or any individual Member seeks to put such an extraordinary measure on the Statute Book, he must persuade the House and get a majority in his favour. The hon. Home Member has failed to secure a clear majority in his favour and cannot expect the Chair to give its casting vote in favour of the motion. I, therefore, give my casting vote for "Noes" and declare Ayes 61, Noes 62."

These rulings reflect not only clarity of thinking but great strength of character, qualities which had enabled Shri Vithalbhai Patel to make his mark in the public affairs of his time.

Born in a poor agriculturist family, Shri Vithalbhai Patel rose to the high positions which he held during his public career, which was devoted to the cause of the people, by dint of his intelligence, idealism and patriotic fervour. He combined rare intellectual gifts with a burning patriotism and was prepared for any sacrifice for

the cause of his enslaved motherland. As a Member of the Central Legislative Assembly, he had distinguished himself by his powerful advocacy of the country's cause, his sharp-edged criticism of the Government's policies and his deep knowledge of constitutional law. When it was announced that he would be a candidate for election to the office of the President of the Legislative Assembly—the first election of a Presiding Officer in the history of the Central Legislative body in the country—the official bloc in the Assembly naturally felt alarmed. They sponsored another candidate to contest the election. Shri Vithalbhai Patel won the election by 58 votes to 56. This clearly reflects that the official bloc and their 'yesmen' had made a determined effort to prevent his election to that august office and this fact itself constitutes an indirect tribute to the patriotism and idealism of Shri Patel. Referring to his election to this high office, his biographer rightly remarks: "Vithalbhai occupied the Presidential *Gaddi*, not because of his birth or wealth or social position but because of his intrinsic merit and

devoted public service. A ploughboy—a farmer and a commoner—now sat on the exalted chair which had, for years together, been the close preserve of the Peers of England—the Viceroys of India.”

As the President of the Assembly, he became actually a thorn in the sides of the Government. Considering the limitations with which the office of the President was hedged in at that time, Shri Vithalbhai Patel’s work and achievement as the holder of that august office were simply remarkable. This achievement was made possible by his deep knowledge of constitutional law, his clarity of thinking, the power of his personality and unflinching devotion to the larger interests of both the Assembly and the people. One of the main causes of his resignation from that high office was the campaign of vilification which the Government representatives in the Assembly and the Anglo-Indian Press under their control had carried on for years against him. But the most important factor that impelled him to submit his

resignation from that august office was his deep sense of patriotism and his feeling that in the crisis through which the country was at that time passing, he could serve the best interests of the people by freeing himself from the obligations imposed upon him by his office. The following quotation from his letter of resignation, dated April 25, 1930, addressed to the Viceroy clearly indicates the kind of patriot Shri Patel was and the spirit of sacrifice which characterised his activities during his public career :

“The movement of non-violent, Non-cooperation and the Civil Disobedience initiated by the Indian National Congress under the leadership of Mahatma Gandhi, the greatest man of modern times, is in full swing. Hundreds of prominent countrymen of mine have already found their place in His Majesty’s Jails; thousands are prepared to lay down their lives if necessary, and hundreds of thousands are ready to court imprisonment in the prosecution of that great movement. At such a juncture

in the history of the struggle for freedom of my country, *my proper place is with my countrymen* with whom I have decided to stand shoulder to shoulder and not in the Chair of Assembly.”

The country is celebrating this year the birth centenary of this illustrious son of our motherland. One of the best ways in which the Legislators, as

well as the presiding officers of the various Legislatures in the country, can pay their tributes to the memory of Shri Vithalbhai Patel on this occasion will be to study his activities as a legislator and, in particular, the way he functioned as the President of the Central Legislative Assembly. It can be stated without hesitation that they will find such a study not only instructive but also highly inspiring.

# PRESIDENT PATEL'S CONTRIBUTION TO THE INDEPENDENCE OF THE LEGISLATURE

*by*

S. L. SHAKDHER

*Secretary-General, Lok Sabha*

Until the year 1853, it was the Executive Government which was clothed with all the legislative authority. It was only under the Charter Act of 1853 that a 'Legislature' came into being for the first time in India. The Act provided for the establishment of a twelve-Member Legislative Council which included the Governor-General, four members of his Executive Council and among others the Chief Justice and another judge of the Supreme Court.

## *Indian Councils Act, 1861*

Eight years later, under the Indian Councils Act of 1861, the Governor-General's Legislative Council was reinforced by additional Members, not less than six, not more than twelve in number, nominated by the Governor-General for two years. Of these not less than half were to be non-officials. This legislative machinery, however, reached nowhere near the people's aspiration for a more representative legislative body.

### *Indian Councils Act, 1892*

With a view to satisfying the growing demand of the people for more purposeful representation in the legislative process, the Indian Councils Act of 1892 was enacted. The Act provided for the use of the method of election in filling up some of the non-official seats on the Indian Legislative Council. In accordance with the provisions made in this Act, five 'additional' Members were brought into the Indian Legislative Council—one being recommended by the non-official Members of each of the four Provincial Councils and one by the Calcutta Chamber of Commerce. This, however, involved no real process of popular election. Further, it gave the Legislative Council no substantially enlarged functions save the right of asking questions and that of discussing certain financial matters.

### *Indian Councils Act, 1909*

These measures did not satisfy Indian public opinion which continued to press for further

advance towards more representative and responsible government. The Indian Councils Act of 1909, embodying the Morley-Minto Scheme, reconstructed and enlarged the Indian Legislative Council so as to include a greater variety of Indian opinion and interests than had been contemplated in 1892. As the distribution of seats on the Indian Legislative Council was such as to secure an official majority, the control exercised by the Executive over the Legislature was in effect preserved.

### *Government of India Act, 1919*

Another stage in the process of democratisation of the legislature was reached under the Government of India Act of 1919, which stipulated that the Indian Legislature was to consist of the Governor-General and two Chambers, viz., the Council of State and the Legislative Assembly. In each of these Chambers, the majority of the Members were to be elected. The Council of State was presided over by

a 'President' appointed by the Governor-General. The Legislative Assembly, too, was to have a 'President', the first one to be appointed by the Governor-General for a period of four years and the subsequent incumbents to be elected from amongst the Members of the Assembly and approved by the Governor-General. In accordance with these provisions, Sir Frederick Whyte, a Member of the House of Commons, was nominated to be the first President of the Legislative Assembly over which he presided till August 1925.

#### *Election of the First Indian Speaker*

At the end of the term of office of Sir Frederick Whyte in 1925, the Legislative Assembly was called upon to elect its first non-official President (Speaker) in August 1925. The Swarajist Party put up Vithalbhai Patel as their candidate, while the official group put up Diwan Bahadur T. Rangachariar as his rival. In the election held on August 22, 1925, Shri Patel was elected, having

secured 58 votes against his opponent who got 56 votes.

As the first elected non-official President of the Legislative Assembly, Vithalbhai Patel was fully conscious of his responsibilities and obligations. The Assembly constituted under the Government of India Act of 1919 did not possess the powers enjoyed by the legislatures of independent countries. President Patel wanted the Assembly to function with maximum independence and was determined to discharge his duties not as a mere Presiding Officer, but also as the custodian of the rights and privileges of the Members individually and of the House collectively.

President Patel interpreted the rules and orders of the Assembly liberally in order to safeguard the rights of the non-official Members of the House, thereby upholding the dignity of the legislature. To cite an instance, on 24th September, 1928, when the Government moved for consideration of the first Public Safety Bill, as reported by the Select Committee, against the wishes of the

Nationalists, the House divided. The result of the voting was a tie—61 against 61. Vithalbhai Patel announced the result as follows :

“There is an equality of votes : 61 against 61. My own opinion is that, if any party or any individual Member seeks to put such an extraordinary measure on the Statute-book, he must persuade the House and get a majority in his favour. The Hon’ble the Home Member has failed to secure a clear majority in his favour and cannot expect the Chair to give its casting vote in favour of the motion. I therefore give my casting vote for the “Noes” and declare Ayes 61—Noes 62”.<sup>1</sup>

In his anxiety to uphold and enlarge the authority and dignity of the Chair and secure the independence of the House, President Patel came in constant conflict with the Government. Some of his more prominent achievements that throw

<sup>1</sup> L. A. Deb., 24-2-1928, p. 13-84.

light on his great contribution to the independence of the Legislature are briefly mentioned below.

### *Conflict on Public Safety Bill*

President Patel’s first major conflict with the Government—which ultimately resulted in the vindication of the independence and dignity of the House and the authority of the Chair—was over the Public Safety Bill. In March 1929, when a motion seeking to take into consideration the Report of the Select Committee on the Second Public Safety Bill was moved in the Central Legislative Assembly, President Patel took the view that the subject of the Bill was identical with what was known as the Meerut Conspiracy Case and it was not possible to discuss the provisions of the Bill without referring to the proceedings in the said case which was then *sub judice*. He ultimately ruled the motion out of order and decided not to place it before the House. The Government felt so strongly on his ruling that the Viceroy came to address the House the very next day. The Viceroy

said that the ruling given by the President of the Assembly was not in accordance with the original intention of the Rules of the Assembly. President Patel took strong exception to the Viceroy's observation. In a letter addressed to the Viceroy, he said it was quite out of order for the Head of the State to go to the Assembly and criticise the President's ruling.

The Government thereupon deprived the President of the Assembly of the power to give such a ruling in future by enacting a new Rule that the President of the Assembly could not, except by virtue of his express powers, prevent in future the progress of the legislation.

The amendment in the Rules was followed by strong protest in the House. The Government had at last to agree that there should be a convention that, except in certain exceptional cases, the legislature should be consulted before any important change was made in the Rules of the Assembly.

### *Control over the Precincts of the House*

On 8th April, 1929, while the Central Legislative Assembly was in session and the President was about to give his ruling on certain issues pertaining to the second Public Safety Bill which had been agitating the public mind for some time, two bombs were thrown from the Visitors' Gallery into the Assembly Chamber. The bomb incident brought to the fore the question of the authority and control of the Chair—and thus of the legislature—over the precincts of the Assembly. The Government of India and the Chief Commissioner of Delhi maintained that they were the sole judges of the adequacy of the protective measures in the House. President Patel, on the other hand, asserted that the authority and control over the precincts of the Assembly should vest in the Chair and ordered on 20th January, 1930 that the Galleries be closed till such time as a settlement in the matter was arrived at. After negotiations, an agreement was reached a month later which laid the foundation of the present Watch and Ward Staff for Parliament House. The present position

is that all security arrangements in the precincts of the House are under the control of the Speaker who exercises his authority through the officers directly appointed by him.

### *Setting up of Separate Assembly Department*

The legislature of a country does not participate in the execution of the policies approved by it, or in the administration thereof. Yet, as a representative body of the people, it is the trustee of their sovereignty. It has to watch their interests and do all that may be necessary to ensure that the Executive Government acts within and according to the authority given to it by the legislature.

If Members of the country's legislature have to exercise their rights and discharge their responsibilities without fear or favour, they must have the liberty of criticising all aspects of administration thus bringing the policies of the Government to the limelight of public scrutiny. The legislature can discharge this function effectively and in a competent manner, only if it has a Secretariat

of its own, independent of the control of the Executive. This independence of the Secretariat is essential if Parliamentary democracy is to function in the best interests of the people, since it is in the legislature that Members question and discuss Government policies and it is the Presiding Officer who, with the assistance of the Secretariat, decides whether a question or a discussion should be admitted or not. If the decisions of the Presiding Officer were to be influenced by the Executive Government, then the very basis of parliamentary democracy would be destroyed.

As stated earlier, with the introduction of the Montagu-Chelmsford Reforms in 1921, the Central Legislature became bicameral and consisted of the Legislative Assembly and the Council of State. The administrative and clerical work of both the Houses of the Indian Legislature was carried on by the Legislative Department of the Government of India. The Secretary to the Government of India in the Legislative Department was Secretary of both the Houses; Joint

and Deputy Secretaries in the Legislative Department were Assistants to the Secretary of the Assembly and of the Council of State and the Clerks at the Table for both the Houses and supplied from among their numbers; and the whole of the Secretarial establishment was provided from the ministerial staff of the Legislative Department.

The Legislative Assembly was conscious of the need for an independent status for its Secretariat and so when it met in 1921, a demand for a separate self-contained office for the President to help him in the discharge of his day-to-day duties was made.<sup>2</sup> The Government of the day from the very inception agreed in principle that the demand was justified and was in accordance with parliamentary practice, but the official reply given was that it was not in the interest of economy that a separate Department should immediately be set up.

However, in August 1925 when Vithalbhai Patel was elected President, he along with several other

<sup>2</sup> L. A. Deb., 5-3-1921, p. 595 and 22-9-1921, p. 829.

Members of the House felt that the independence of the elected President was prejudicially affected because the Secretary of the Assembly was the Secretary of the Legislative Department under the Government of India. Many questions were also asked in the Assembly by Members stressing the need for having a separate office for the Assembly Department.<sup>3</sup>

Soon after he assumed charge of his office, President Patel convened the Presiding Officers' Conference in January, 1926, which passed a resolution advocating the creation of a separate office for the Legislature, independent of and unconnected with the Executive. The matter was immediately referred to the Government for consideration and action. As the Government did not take any action in the matter for more than a year, Vithalbhai Patel, on his re-election as President, presented to the Government a scheme on August 17, 1927, embodying concrete proposals for setting up a separate Department for

<sup>3</sup> See L.A. Deb., 23-2-1926, p. 1648; 16-3-1927, p. 2333; 21-3-1927, p. 2439; 18-8-1927, p. 2996.

the Legislative Assembly.<sup>4</sup> The Government of India forwarded this scheme to the Secretary of State for India, who, however, did not accept the views of President Patel in certain matters which the latter considered vital.<sup>5</sup> The President, therefore, submitted on 5th September, 1928 his proposal for consideration direct to the House and declared :

“As an elected President, I am responsible to the Assembly and to no other authority. No President can afford to ignore or withstand the wishes of the House, either expressed or implied. It is no doubt true that he weilds large controlling powers, and his rulings on points of order and procedure must be accepted as final, at least for the time being; but it is to be remembered that after all, the will he imposes upon the House is not his personal will, but it is the law of the House itself and in all that the President does he is naturally restrained by a desire to have his action fully endorsed by the House as a whole.”<sup>6</sup>

<sup>4</sup> L.A. Deb., 5-9-1928, p. 221.

<sup>5</sup> *ibid.*, 16-9-1928, pp. 921-40.

<sup>6</sup> *ibid.*, 5-9-1928, p. 219.

Stressing the need for making the Secretary of the legislature responsible to the House and its President, Vithalbhai Patel observed :

“In the interpretation of the rules, the President has to rely on the advice of the Secretary of the Assembly, and in the administration thereof by the office he has to rely on the efficiency, independence and reliability of the staff and the Secretary. Every Member of the House has in the discharge of his duties to deal both with the Secretary and his staff, and if he fails to get satisfaction, the fault is naturally laid at the door of the President, who is supposed to be the controlling authority. It goes without saying that if the business of the House is to be carried on to its satisfaction, the Secretary and the staff must in some form be responsible to the House and its President, and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and the staff must also feel that they are there solely to serve and further the best interests of the Assembly.”<sup>7</sup>

On 22nd September, 1928, Pandit Moti Lal

<sup>7</sup> L.A. Deb., 5-9-1928, p. 220.

Nehru moved a resolution in the House, which was supported, among others, by Lala Lajpat Rai, that a separate Assembly Department be constituted, and it was adopted with a division.<sup>8</sup>

The Secretary of State for India having accorded his approval, with certain modifications, to the scheme as embodied in the resolution, a separate self-contained department known as the “Legislative Assembly Department” was created on January 10, 1929 in the portfolio of the Governor-General, with President of the Legislative Assembly as its *de facto* head.<sup>9</sup> In accordance with the Legislative Assembly Department (Conditions of Service) Rules, 1929, the members of the staff began to be appointed with the approval of the President of the Assembly.

Under the provisions of the Indian Independence Act, 1947, the legislative functions of the Dominion Legislature were taken over by the

<sup>8</sup> *ibid.*, 22-9-1928, pp. 1249-63.

<sup>9</sup> L.A. Deb., 28-1-1929, p. 2.

Constituent Assembly of India. Whenever the Constituent Assembly met to discharge its legislative functions, it was called Constituent Assembly (Legislative). The Legislative Assembly Department continued to render Secretarial assistance to the Constituent Assembly (Legislative) and, therefore, there was no change in the nomenclature of the Legislative Assembly Department. With the coming into force of the Constitution and the creation of the Provisional Parliament on January 26, 1950, the name of the Department was changed to “Parliament Secretariat”.

The position continued even after the House of the People (Lok Sabha) came into existence in 1952 following the first general election under the Constitution of India. The name of the Secretariat was changed in 1954 from “Parliament Secretariat” to “Lok Sabha Secretariat”.

The independent position of the Secretariat has been safeguarded under Article 98 of the Constitution and the Lok Sabha Secretariat (Recruit-

ment and Conditions of Service) Rules, made thereunder.

*A Fearless Speaker*

The essence of Parliamentary democracy lies in the recognition of Members' right to a free and frank discussion in the legislature. The Speaker is the principal spokesman of the House and

represents its collective voice. Vithalbhai Patel played this role in letter and spirit. He did not hesitate to assert his authority whenever he felt that it was necessary to do so in order to ensure the dignity of the Chair or independence of the Legislature. And in the discharge of his onerous duties he did not care for the favours or frowns of the Executive. He was truly a "fearless Speaker".

## DEVELOPMENT OF PARLIAMEN- TARY CONVENTIONS UNDER PRESIDENT PATEL

*by*

L. R. & I. SERVICE OF  
LOK SABHA SECRETARIAT

The Presiding Officer of the Central Legislative Assembly, which was for the first time formed in 1921 under the Montagu-Chelmsford Reforms, was called 'President'. Sir Frederick Whyte, a former member of the British House of Commons was nominated in 1921 as the first President of the Central Legislative Assembly. He was chosen for his special qualifications and his deep knowledge of parliamentary procedure.

At the commencement of 1923, there was a change in the political atmosphere of the country

with the formation of the new Swaraj Party within the Indian National Congress. The Non-Cooperation Movement was suspended and the Congressmen who called themselves Swarajists were permitted to enter the Legislatures without accepting office. In the General Elections of 1923, Shri Vithalbhai J. Patel, the Swarajist President of the Bombay Corporation was elected to the Legislative Assembly from Bombay City constituency, and shortly afterwards he was chosen Deputy Leader of the Swarajist Party in the Assembly."

### *Vithalbhai Patel elected President*

When the term of the first nominated President, Sir Frederick Whyte expired in August, 1925, the Swarajists put up Shri Vithalbhai Patel as their candidate for election to the office of President. Shri Patel was opposed by Dewan Bahadur T. Rangachariar, who enjoyed official support. In the contest that took place, Shri Patel defeated his rival candidate. The election was approved by the Governor-General and Shri Patel took office as President on the 24th August, 1925.

### *Strict impartiality promised*

On his elevation to the Chair, President Patel declared<sup>(1)</sup> :

“I have accepted this office with high hopes and fully realizing the implications involved therein...

“In the discharge of my duties, I shall, observe strict impartiality in dealing with all sections of the

<sup>1</sup> L.A. Deb., 24-8-1925. pp. 36-37.

House, irrespective of Party considerations. From this moment, I cease to be a Party man. I belong to all of you and I hope my Honourable friend the Leader of the Swaraj Party, will take immediate steps to absolve me from all the obligations of a Swarajist Member of this House.”

### *Work as President*

Vithalbhai Patel's tenure of office as President (from 1925 to 1930) was packed with events of import. He was fully conscious of his role as the first elected non-official President of the Legislative Assembly. He took up office at a very difficult time and guided the deliberations of an Assembly, which did not possess the vital powers enjoyed by the Legislatures of democratic countries. In spite of the many limitations imposed upon him and the Assembly by the Constitution, President Patel always endeavoured to uphold and enlarge the authority of the Chair and the dignity, rights and privileges of the House against the powerful bureaucracy and, in a large measure, succeeded in his attempt. It was he who laid the foundation

of the independence of the Speaker, the Speaker's severance from party politics and a separate and independent Secretariat for the legislature. He interpreted the rules and orders of the Assembly liberally in order to safeguard the rights of the non-official members of the House.

President Patel permitted amendment of certain Standing Orders for the smooth and efficient despatch of official and non-official business. He discouraged Government Members from transacting official business on non-official days. He allowed Members to table adjournment motions liberally for censuring the Government for its acts of commission and omission. He would not allow the Government to force legislative measures on the Assembly against the wishes of the Members or to curtail debate in the House on Government Bills. He followed the convention established by his predecessor that on the Finance Bill the whole administration of the Government could be reviewed and interpreted this convention in a liberal spirit.

*Satisfactory answers should be given to question*

In regard to questions, President Patel was careful to ensure that legitimate use was made of this right by the Members and the Government gave satisfactory replies to them and not tried to evade them.

On January 27, 1926, on a question regarding the release of Bengal Internees, many Members proceeded to put supplementary question asking for information. No satisfactory answer being given by the Government, the President intervened and observed<sup>(2)</sup> :

“There is a strong feeling in the House that the information asked for should be supplied by Government and they would be well-advised if they consider the desirability of supplying that information.”

*Courtesy towards the House*

President Patel was always vigilant in ensuring that the dignity and decorum of the House was

<sup>2</sup> L.A. Deb., 27-1-1926, p. 337.

maintained. The Commander-in-Chief had made an important statement in the Assembly on the 7th March, 1928, regarding the Government's decisions on the recommendations of the Sandhurst Committee. On the 10th March, 1928, during the course of the debate on Shri M. A. Jinnah's motion seeking adjournment to discuss that statement, President Patel referred to the Commander-in-Chief's absence from the House when his speech was being discussed and observed<sup>3</sup> :

“Before we proceed further, I desire to make one observation. I regard it as highly discourteous on the part of H.E. the Commander-in-Chief that he should come here and make a long speech, and then when a motion for adjournment is discussed on that speech, that he should not be in the House.”

The Army Secretary, Shri G. M. Young thereupon explained that the Commander-in-Chief had asked him to inform the House that the C-in-C

<sup>3</sup> L.A. Deb., 10-3-1928, p. 1293.

had already fixed up some other out-station engagement for that day, prior to his receipt of the notice of adjournment motion. The President then remarked that the Chair should have been duly informed about it (before the debate commenced).

Subsequently, on the 21st March, 1928, during the debate on the Indian Territorial Force Bill, the Commander-in-Chief made the following statement<sup>4</sup> with reference to the above incident :

“Before I speak on the Bill before the House, I should like, with your permission, to say a few words about another matter. I am sorry that I was prevented from being present in the House on the 10th instant, for had I been present, certain misunderstandings, I think, would not have occurred.”

The President replying said :

“We are all glad to see H.E. the Commander-in-Chief in his seat today, and to have heard his

<sup>4</sup> L.A. Deb., 21-3-1928, pp. 1873-1874.

<sup>5</sup> L.A. Deb., 21-3-1928, p. 1874.

opening sentences. Had the Chair been told before the debate was initiated on the 10th what it has learnt since, these misunderstanding would have been avoided. I should in that case have arranged for postponement of the debate."

### *President's control over Assembly office*

President Patel strove hard to enhance the authority of the House and to assert and consolidate the independence of the Chair. It was his firm stand that if the President was to function effectively and was to be impartial in the exercise of his delicate and exacting duties, it was most appropriate that he should have a staff directly under his control and responsible to no other authority. As soon as he was elected President, Shri Patel took up the question of setting up a separate and independent department for the Assembly. He convened a Speaker's Conference to consider the proposal and the latter unanimously adopted his point of view. Then he raised the

matter immediately with the Government in 1926, but the progress in that direction was very slow.

In the meantime, he had established such a good reputation as Speaker that he was returned to the Assembly unopposed in the General Elections of November 1926 and was unanimously re-elected to the Chair in January 1927. Soon after on his re-election he pursued the issue again with the Government, but the latter did not react favourably. Thereupon President Patel, on the 5th September, 1928, made a comprehensive statement in the Assembly, giving details about his scheme for setting up an independent Department of the Assembly and the steps that he proposed to take for achieving his objective. [His famous statement<sup>(6)</sup> in the House commenced with the emphatic declaration that :

["As an elected President, I am responsible to the Assembly and to no other authority. No President can afford to ignore or withstand the wishes of the House, either expressed or implied..."]

(6) L.A. Deb., 5-9-1928, pp. 221-223.

The President is an impartial interpreter and administrator of the rules of the House, but these rules are not made by it, nor has it the power to amend them to suit its requirements. They are amended from time to time by the Governor General in Council with the sanction of the Secretary of State, and neither the Assembly nor its President has any right even to be consulted. In the interpretation of the rules, the President has to rely on the advice of the Secretary of the Assembly, and in the administration thereof by the office he has to rely on the efficiency, independence and reliability of the staff and the Secretary. Every Member of the House has in the discharge of his duties to deal both with the Secretary and his staff, and if he fails to get satisfaction, the fault is naturally laid at the door of the President who is supposed to be the controlling authority. It goes without saying that if the business of the House is to be carried on to its satisfaction, the Secretary and the staff must in some form be responsible to the House and its President, and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and the staff must also feel that they are there solely to serve and further the best interests of the Assembly.

President Patel then had discussions with the leaders of parties and finally on the 22nd September, 1928, the Assembly carried a motion moved by Pandit Motilal Nehru for the formation of a separate Legislative Assembly Department under the President. As soon as the motion was adopted, President Patel asked the Government to take immediate steps to implement the decision of the Assembly. After a reference to the Secretary of State, a compromise was arrived at creating a separate, self-contained Legislative Assembly Department in the portfolio of the Governor-General with the President exercising *de facto* control over it.

#### *Insinuation against Chair not to be tolerated*

President Patel maintained that statements containing insinuations of partiality directed against the Chair and the publication of such insinuations constituted a grave breach of the privileges of the House, deserving condemnation. In his opinion, "the Speaker must guard and

maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed."

On the 14th September, 1928, Pandit Motilal Nehru drew the attention of the President to a campaign of vilification that was carried on against the Chair by the correspondents of "*Daily Telegraph*" (London) and the "*Times of India*", Bombay. In the course of his speech<sup>(7)</sup> Pandit Motilal also referred to the report of the Special Correspondent of the "*Pioneer*" who alleged that the Government were engaged in maintaining a propaganda against the conduct of the President of the Assembly. After a full discussion in the Assembly the matter was left to the Speaker to be dealt with. President Patel thereupon observed that he would investigate into the allegation of the "*Pioneer*" that the Home Department was responsible for the propaganda.

On the 22nd September, 1928, in the Assembly,

(7) L.A. Deb., 14-9-1928, pp. 739-743.

the Home Member, Shri Crerar made a statement and expressed regret as Leader of the House for the expression of certain Official Members impugning the conduct of the President and assured both the President and the House that there would be no recurrence of such incidents. He said<sup>(8)</sup> :—

"We must deplore and condemn, in common with Honourable Members sitting in all other parts of the House, all allegations and comments in the Press or elsewhere that may appear directly or indirectly to reflect adversely upon the impartiality of the Chair."

Leaders of Parties welcomed the statement of the Home Member. On the 24th September, 1928, the President accepting the apology spoke as follows<sup>(9)</sup> :

"I accept without any reservation the unqualified expression of regret made by the Leader of the

(8) L.A. Deb., 22-9-1928, p. 1245.

(9) L.A. Deb., 24-9-1928, pp. 1342-1343.

House on behalf of himself and the officials concerned in the same generous spirit in which it has been made, and I appeal to every Member of this House to forget the incidents. . . . . This statement thus disposes of that part of the case in which I promised to make an enquiry and give my conclusions, leaving the other part regarding the conduct of the two press correspondents untouched.”

On the conclusion of the business of the Session on the 25th September, 1928, President Patel, giving his decision as regards the conduct of the Press Correspondents of the “Daily Telegraph” and the “Times of India” for their disparaging remarks about the Chair, observed<sup>(10)</sup> :

“ . . . . . I hereby direct that with effect from the date of the adjournment of the House *sine die* the Press passes granted to Messrs. Byrt and Rice shall stand cancelled and no notice papers, Bills, etc. shall be sent to them until further directions from the President. I would add that the correspondents concerned or their papers are eligible to renew their applications and they would be con-

(10) L.A. Deb., 25-9-1928, pp. 1421-1422.

sidered by the President if in the meanwhile a full, frank and unqualified apology to the Chair and the House is forthcoming in terms approved by the President and published in such newspapers and in such manner as he might approve”.

#### *Authority and inherent power of the President*

Another serious conflict that took place between the Government and President Patel was on the question whether reasonable debate was possible under the Public Safety Bill, introduced in the Assembly in September 1928. The President took the view that if the subject-matter of the complaint filed by Government in the *Meerut Conspiracy Case* in which certain persons alleged to be communists were being tried for conspiracy against the Government, was compared with the speech which the Home Member delivered in support of the Bill, the two were identical. That being so, he maintained that it would not be possible to discuss the Bill without referring to the proceedings in the case which was *subjudice*. He therefore asked the Government to postpone

consideration of the Bill, pending the *Meerut trial*. The Home Member agreed to place the suggestion of the President before the Government for consideration, but could not say what the Government's view would be. He, however, pointed out that it would be dangerous to public interest to postpone further consideration of the Bill. President Patel remarked that he would await the decision of the Government before giving his ruling. On the 4th April, 1929, the Home Member, Mr. Crerar made a statement in the Assembly, communicating the Governments' refusal to accept the President's suggestion on the Public Safety Bill. He said, "In their opinion, no rule or standing order of this Chamber authorises the President to decide whether Government should or should not be allowed to proceed with the legislation which it desires to submit for the consideration of this House in a case where all the requirements of the rules and standing orders preliminary to the moving of a motion have been fulfilled, as they have been in respect of this Bill, and the House is now seized of the Bill and it is beyond the powers of the

Chair to withhold the Bill from consideration." The President reserved his ruling and asked the Home Member to circulate copies of his statement so as to enable the President to give his considered opinion.

After ascertaining the views of Party leaders, President Patel on the 11th April, 1929, delivered his ruling and said that the Government's statement was a challenge to the Chair and undermined its authority. He was convinced that no debate was possible on the Bill during the pendency of the Meerut trial and observed<sup>(11)</sup> :

"As a rule I have refrained from offering advice to Government in any matter unless they themselves sought it. But in this particular case I did so in order to avoid a conflict between the powers of the Chair and the right of Government."

"Such a conflict is bound to arise under a Constitution like ours, particularly where the Chair considers it its duty to interpret the rules and orders

(11) L.A. Deb., 11-4-1929, 2987-2991.

of the House with a view to prevent the powers belonging to this House passing into the hands of the administration."

Government claim that they have an undoubted right under the constitution to decide what legislation they shall ask the House to pass and when. This is no doubt true within prescribed limits, but it must not be forgotten that the Speaker exerts a direct influence upon the course and extent of legislative action."

\* \* \* \* \*

..... I am of opinion, although the power to rule this motion out of order is not expressed in so many words in any Rules and Standing Orders, it does arise by necessary implication and analogy, and I am therefore satisfied that in any case the Chair has the inherent power to rule out a motion on the ground that it involves an abuse of the forms of procedure of this House, as this motion, I hold, does. I therefore rule it out of order."

Addressing the Assembly on the 12th April, 1929, the Viceroy declared that he would issue an Ordinance embodying the provisions of the

Public Safety Bill and secure amendments to the Legislative Rules so as to prevent interruption of business by the President of either Chamber. In the course of his address<sup>(12)</sup>, he remarked that the President's ruling on the Public Safety Bill propounded an interpretation of the rules which, he was satisfied, was not in conformity with their original intention and that while the Government recognised that the only person to interpret the rules within the House was the President, they were unable to acquiesce in his interpretation and announced that the Government proposed to amend the rules in such a way that the President could not, except by virtue of express powers, prevent the progress of legislation.

When the Legislative Assembly's autumn session opened on the 2nd September, 1929, President Patel made a statement regarding the controversy between him and the Viceroy arising out of the latter's speech on the closing day of the previous session. He said that he had lodged a

(12) L.A. Deb, 12-4-1929, pp. 2993-2995.

strong protest against the Viceroy's criticism of his ruling and maintained that within the Assembly Chamber there was no one except the House which could pass judgment on the Chair's ruling. Placing before the House the text of his correspondence with the Viceroy on the subject, he observed<sup>(13)</sup> :

“ . . . . . I have always maintained, and will continue to maintain, so long as I am in this Chair, that the House and the Chair are, subject to the Constitution, supreme within the four walls of this Chamber, and I would be unworthy of the confidence reposed in me by the House, if I failed on any occasion to raise my voice in protest against any action, which in my view seemed to challenge or undermine that supremacy.”

“On the 15th of May, I received from His Excellency the following reply.

“The Governor General has here made it plain that he has no intention of criticising or censuring the ruling. He has also said that he would consider it improper for him to do so within the

(13) L.A. Deb., 2-9-1929, pp. 109-112.

House. And more than that, His Excellency has expressed his entire concurrence with that part of my letter which defines the position in this respect that, within the House, it is only by the House itself that the ruling of the Chair can be subjected to criticism and censure.’

“In view of what His Excellency has said, I am convinced that it was not his desire to establish a precedent derogatory to the dignity of the House, and I am sure the House will agree with me that the incident must now be treated as closed.”

“I desire to state, in conclusion, that nothing has pleased me more in His Excellency's reply than the sincere expression of his anxiety to see the establishment in this country of best parliamentary traditions and conventions and to cooperate with the Chair for that purpose, and I need hardly assure His Excellency and his Government that I fully echo his desire in this respect.”

#### *Discussion on the Report of the Public Accounts Committee*

On the 18th February, 1929, an interesting constitutional point was raised in the Legislative

Assembly when Sir George Schuster, Finance Member, moved the Demands for Excess Grants. Shri B. Das wanted to discuss the policy of the Government in not allowing the House to consider the Report of the Public Accounts Committee before the House proceeded to consider the Demands for Excess Grants. The Finance Member objected to it on the ground that no question of policy could be discussed on the motion. President Patel, after allowing discussion on the point, ruled out the objection and said<sup>(14)</sup> :

“The House will be grateful to Shri Das for drawing its attention to this most important point. The question raised by him is whether Government should not afford facilities for the discussion of the Public Accounts Committee’s Report. The P.A.C. is a creation of this House, and it is only proper that the Report made by that Committee must be discussed on the floor of this House. . . . . I am clearly of opinion that we should establish a practice in this House by which the Report of

(14) L.A. Deb., 18-2-1929, pp. 897—902.

the P.A.C. can be discussed fully. . . . . It is not possible in this session, at any rate, to introduce this new departure because we have got the excess grants now before the House, and unless the Finance Member is prepared to drop them at present and bring them forward at a later stage, such departure cannot be made. I think, however, he must have some time to consider the whole question in consultation with Leaders of Parties. In this view I do feel very strongly that the time has arrived when we must adopt the correct practice of affording opportunities for the discussion of the Report of a Committee which is the creation of this very House, and ask the Government to look into the matter at an earliest possible opportunity.”

As a result of the foregoing, Sir George Schuster moved on the 31st March, 1930, that the Report of the Public Accounts Committee on the Accounts of 1927-28 be taken into consideration. The motion was adjourned as it was the last day of the session and was taken up during the next session on the 7th July, 1930, when after discussion, the Deputy President observed<sup>(15)</sup> :

(15) L.A. Deb., 7-7-1930, pp. 12—26.

"I would like to inform the House that, accepting the recommendations of the Public Accounts Committee, the Honourable Mr. V. J. Patel in consultation with the Honourable the Finance Member, had decided that there would be no vote on this motion before the House. It was decided that the House would be given an opportunity to have a general discussion on the Report of the P.A.C. Therefore, no question will be put to the House on the Report."

*Authority and control within inner precincts of the Legislative Assembly*

Another reform carried out by President Patel to assert the authority of the Chair was the maintenance of his authority and control over the policing of the inner precincts of the Assembly. The Government of India and the Chief Commissioner of Delhi maintained that they were the sole judges of the adequacy of the protective measures in the House. The President did not accept this view. A Watch and Ward Committee had been appointed by the President which was looking into the whole matters as to how the

security arrangements should be put on a firm footing. While the matter was still under consideration, the Government in their own discretion had made certain rearrangements of security postings.

The winter session of the Assembly opened on the 20th January, 1930. The President, as he walked in, had a look around and discovered that policemen had been posted in the visitors' galleries. So he took the House into confidence and ordered that the galleries be cleared of the police and visitors and locked before the commencement of the business of the day and that no further passes be issued to strangers until further orders. He said that the posting of the police in the galleries and precincts was a deliberate defiance of the President's orders and constituted a challenge to the authority of the Chair.

Negotiations commenced to resolve the differences between President Patel and the Government. After some time, an agreement was

reached according to which the Government control of the outer precincts was unchanged while the inner precincts were placed in charge of a Watch and Ward staff who would be responsible to the President. Observing on the 20th February, 1930, that the establishment of this convention would provide adequately for the exercise of authority by the Chair, the President ordered that the galleries be reopened with effect from 24th February, 1930, and passes issued to visitors in the usual manner<sup>(16)</sup>.

#### *Interpretation of Fiscal Convention*

Another conflict that arose between President Patel and the Government was with regard to the convention in respect of autonomy in fiscal matters. During the debates on the Cotton Textile Industry (Protection) Bill in March, 1930, Shri M. A. Jinnah proceeded to discuss the position of India in the matter of tariffs, when President Patel observed that he understood the

<sup>(16)</sup> L.A. Deb., 20-2-1930, p. 825.

position in respect of fiscal autonomy to be that, in whatever way the Bill might be modified by the Assembly, the Government were bound to accept it and put it on the Statute Book. Shri Jinnah pointed out that such a ruling could not be enforced and quoted the Government as saying that they were not prepared to accept any sort of important change in the Bill. The Commerce Member, Sir George Rainy, speaking on behalf of the Government, reiterated his position that if any drastic changes, such as those proposed in certain of the amendments, were made in the Bill, it would be impossible for the Government to proceed with it. The President observed<sup>(17)</sup> :

“I am afraid that position is entirely inconsistent with the statement made by the Finance Member that fiscal autonomy is a reality, and that it is an integral part of the Constitution and also the statement by the Secretary of State for India made in the House of Commons in the recent debate that India enjoyed the same liberty in the matters of tariffs as Great Britain enjoys.”

<sup>(17)</sup> L.A. Deb., 25-3-1930, p. 2429.

Discussion continued on the Tariff Bill in the Assembly. At the conclusion of a lengthy debate on his amendment to the Bill, Pandit Madan Mohan Malaviya, on the 28th March, 1930, requested the President to give the proper interpretation of fiscal autonomy and, in the light of the Crewe Committee's report, declare whether official and nominated Members could take part in the voting on such matters. Pandit Malaviya held that they could not. On 31st March, 1930, President Patel gave his ruling on the momentous Empire Preference issue holding that the Chair cannot prevent the official and nominated members from voting and further observed<sup>(18)</sup> :

"The Hon. the Leader of the Opposition (Pandit Madan Mohan Malaviya) contends that official and nominated non-official Members are not entitled to record their votes on any division on this measure. I fully appreciate the point of view of the Leader of the Opposition that any decision taken in the House, constituted as this is, with 144 Members, of whom 26 do not represent

<sup>(18)</sup> L.A. Deb., 31-3-1930, pp. 2673-2676.

any electorate in India, will go forth to the world as the decision of India in favour of Imperial Preference; and it is therefore necessary that if the convention is to be worked in the spirit of the recommendation of the Joint Parliamentary Committee, official Members should not vote. But, I hope, he will, in his turn appreciate the limitations.... that by no possible stretch of language, it is open to the Chair to rule that official Members shall not vote. The question whether they should or should not vote is for them to decide. As to their right to vote, there can be no question. So also the right of the non-official nominated Members. I agree that real fiscal autonomy is possible, even under the existing constitution, if the decision on fiscal measures is left to vote of the non-official Members and such decision is regarded as binding on the Executive : but this can be done by a convention and not by a ruling of the Chair. I, therefore rule that the official and nominated non-official Members are entitled to record their votes."

*Speaker above all party politics*

President Patel always tried to uphold the well-established traditions of impartiality and party neutrality evolved in England, in the discharge

of his duties. He maintained that the man who occupied the high office of Speaker was outside and above all party conflict. On the very first day when he was elected to office he dissociated himself from the Swaraj Party of which he was an active Member prior to his election. In the general election of 1926, he declined to contest on the Congress Party ticket and was returned unopposed as an independent candidate from his old constituency. When the election of President took place on the 20th January, 1927, he was unanimously re-elected and discharged his duties in the best interests of the Assembly and country.

Earlier when the Swarajists walked out in a body from the Assembly on the 8th March, 1926, in pursuance of the Kanpur Congress mandate, it was expected that President Patel would also join the walk-out on the ground that having been returned to the Assembly on the Swaraj Party ticket, he was bound to do so by the mandate of the Party. But he declined to join the Party in their action and for the first time established a

convention that the President of the Assembly, like the Speaker of the House of Commons, was above all party politics and therefore not bound to accept the mandate of the party to which he belonged before he was elected to the Chair.

Equally representative of President Patel's sturdy independence and impartiality was his refusal to resign from the office of the President early in 1930, when the Congress Members resigned from the Legislatures in obedience to the Lahore Congress resolution. On the 21st January, 1930, President Patel made a lengthy statement in the Assembly, explaining his own position as President in reference to the Lahore Congress resolution advocating boycott of the Legislatures. He observed<sup>(10)</sup> :

“.....I am making this statement today to set at rest all speculation on the question, and to reaffirm and emphasise the principle that the

(10) L.A. Deb., 21-1-1930, p.132.

President is above all parties and he would be unworthy of the confidence reposed in him if he were to allow his conduct to be influenced by any party in or outside this House. I venture to think that this principle must and will hold good under any form of Government. In these circumstances, I feel I would be nullifying and, indeed, destroying all the work, it is claimed, I have done during the last four years and more, were I to tender my resignation in obedience to the mandate of the Congress.

“.....In any case, the moment I find that the holding of this office under the altered conditions is in consistent with maintenance of absolute independence and impartiality—the two essential attributes upon which at once the influence of the President and the confidence reposed in him are founded,—that moment you will not find me in the chair.”

### *Resignation of Presidentship*

On the 25th April, 1930, President Patel tendered his resignation of the Presidentship

and membership of the Legislative Assembly, declaring that he must ally himself with his countrymen in the movement for freedom. In his resignation letter to the Viceroy he mentioned the difficulties and obstacles that he, as the first elected President, had to contend with in the discharge of his duties. While explaining the reasons for his resignation, he *inter alia* stated <sup>(20)</sup>:

“.....I am convinced that, under the changed conditions, my usefulness as the President of the Assembly has entirely ceased to exist. Owing to the boycott of the Assembly by Congressmen in obedience to the mandate of the Lahore Congress, followed recently by the resignation of the Leader of Opposition, Pandit Madan Mohan Malaviya and a band of his loyal followers as a protest against the matter and method by which the Government of India forced down the throat of the unwilling Assembly the principle of Imperial Preference, the Assembly has lost its representative character..... I felt whether it was worthwhile any longer presiding over an Assembly

(20) G.I. PATEL : Vithalbhai Patel—Life and Times, Book Two, pp. 1138-1139.

where it was not possible for the President to safeguard even the freedom of vote supposed to have been guaranteed by the Government of India Act.

“It goes without saying that the Assembly would hereafter exist merely to register the decrees of the Executive and I would be doing a disservice to my country if I continue to lend false prestige to such a body by presiding over it any more. Apart from these considerations, in the grave situation that has arisen in the country, I feel that I would be guilty of deserting India’s cause at this critical juncture if I were to continue to hold the office of the President of the Assembly.”

As the first elected President of the Assembly, Shri Patel conscientiously and ably conducted its proceedings with remarkable capacity and competence. Strict impartiality and more than that

absolute independence, had guided his conduct throughout the period he was holding the office of the President. Neither any personal or political predilection, nor a fear of bureaucratic frown was allowed to influence his conduct at any time. By unflinching adherence to these principles the rulings he gave are remarkable for their masterly interpretation of the Rules and Standing Orders.

President Patel will ever be remembered as one of the most illustrious Speakers of the Indian Parliament, who in spite of the many impediments, enhanced the prestige of the Chair and that of the House and laid down such precedents and conventions and gave such rulings which immensely helped the development of sound parliamentary traditions.

# VITHALBHAI JHAVERBHAI PATEL

## —A BIOGRAPHICAL SKETCH—

*by*

L. R. & I. SERVICE

LOK SABHA SECRETARIAT

Vithalbai Jhaverbhai Patel, the first elected President of the Legislative Assembly, was born on 27th September, 1873 at Nadiad in the district of Kaira (in Gujarat State). He came of a peasant family and during his childhood, was brought up in his ancestral home in the village of Karamsad. He received his early education there. After completing his school education, Vithalbai joined the Gokhale Law classes at Bombay and passed the District Pleader's Examination in 1895. He then set up practice as a lawyer at the small town of

Borsad along with his younger brother, Sardar Vallabhbhai Patel. He soon outgrew the cramped atmosphere of the Kaira courts and moved to Baroda where, after a severe struggle, he attained considerable success in the profession.

Vithalbai sailed for England in 1905 for further legal studies and was admitted to the Lincoln's Inn. He was called to the Bar on 1st July 1908. Thereafter, he returned to India and started practice at Bombay. Doubtless, his experi-

ences abroad and his success at the bar stood him in good stead in the long political fight that was ahead of him.

### *Bombay Legislative Council*

But law and the legal profession did not monopolise all his attention. He found wider scope for his activities first when he was elected President of the Bandra Municipality and later on as a member of the Bombay Legislative Council representing the District Local Boards of the Northern Division of the Bombay Presidency. He soon made his mark as a legislator and his contribution as a member to the proceedings of the Council was considerable. He used the weapon of asking questions in the House with great skill and ability and kept a vigilant eye on the problems of administration, bringing government to book for its lapses in that sphere. He was mainly responsible for the passing of a Bill to make elementary education free and compulsory.

### *Imperial Legislative Council*

Vithalbai's sphere of public activities enlarged in 1918 when he was elected to the Imperial Legislative Council, where his forceful personality could hardly be ignored. He soon distinguished himself for his skill as a "follower of the Parnellite Irish traditions of creating a deadlock over government bills with which he and his party were not in sympathy but which they were not able to turn down." In the Imperial Council, Vithalbai did outstanding work especially in the field of social reforms, such as the introduction of the Hindu Marriages Validity Bill, which was intended to provide for marriage of Hindus of different castes.

### *President, Bombay Corporation*

Vithalbai visited Great Britain in 1919 as a representative of the Indian National Congress to give evidence before the Joint Select Committee on the Government of India Bill, 1919. On his return to India, he became an ardent supporter of

non-cooperation and resigned his seat from the Imperial Legislative Council. As the Congress had not banned entrance into the local self-government bodies, Vithalbai became a member of the Bombay Municipal Corporation in 1923. Soon he was elected President of the Corporation and in that capacity was responsible for setting up several new and important conventions in the functioning of the Corporation.

#### *First Elected Speaker*

An outstanding event in Vithalbai's life, as in the constitutional history of the time, was his election to the presidentship of the Indian Legislative Assembly. He was elected a Member of the Legislative Assembly in 1924 from the Bombay city Non-Muhammedan Urban Constituency and he became Deputy Leader of the Swaraj Party. It was on the 22nd August 1925 that a unique honour was conferred on him when he was elected President of the Legislative Assembly on the retirement of Sir Frederick Whyte. On his election

to the high office, while replying to the words of welcome extended to him, President Vithalbai Patel observed :—

“In the discharge of my duties, I shall, I assure you, observe strict impartiality in dealing with all the sections of the House, irrespective of party considerations. From this moment I cease to be a party man. I belong to no Party, I belong to all Parties. I belong to all of you . . . . .”

#### *Work as President of the Assembly*

Vithalbai Patel's tenure of office as President of the Assembly was at once hectic and eventful. In him the House had a Speaker, who in courage and independence was second to none, and one who enhanced the prestige of the Chair and the reputation of the House and set a tradition of which any legislature in the world might be proud. Vithalbai was fully conscious of his role as the first elected non-official President of the Assembly.

Notwithstanding the fact the Assembly constituted under the Government of India Act, 1919, did not possess the powers enjoyed by legislatures of independent countries, he was determined to discharge his duties not as a mere Chairman but also as the custodian of the rights and privileges of the members of the House. He interpreted the rules and orders of the Assembly liberally in order to safeguard the rights of the non-official Members of the House against official encroachments.

#### *Re-Election as President*

In the elections of 1926, Vithalbai stood as an Independent and was returned unopposed. He was re-elected President of the Legislative Assembly on 20th January 1927 and his re-election was welcomed by all sections of the House.

#### *Setting up of Separate Assembly Department*

Immediately on his re-election as President in 1927, he took up with the Government the matter

of setting up a separate Secretariat for the Assembly, a question which had engaged his attention even earlier, as part of his attempt to enhance the authority of the House and to assert the independence of the Chair. When he found no adequate response from the Government to the proposals he had earlier made in this connection, he made a comprehensive statement in the Legislative Assembly in September 1928 which started with the emphatic declaration "as the President elected by the Assembly, I am responsible to the Assembly and to no other authority." It was that declaration which succinctly revealed his own position to the House, viz., that if the President was to function effectively and was to be impartial in the exercise of his delicate and exacting duties, it was essential that he should have a staff directly under his control and responsible to no other authority. A Motion moved in the same month by Pandit Motilal Nehru, Leader of Opposition, for a separate Legislative Assembly Department under the President was adopted by the House and on the 10th January, 1929, within a few months of

the passing of the motion, the Legislative Assembly Department was created as a separate, self-contained Department in the portfolio of the Governor-General but under the control of the President.

### *Public Safety Bill*

In April 1929, Vithalbhai Patel caused a sensation by his ruling that, in the exercise of his inherent powers, he declined to place the Government motion for discussion of the Report of the Select Committee on Public Safety Bill before the House, pending the result of the Meerut Conspiracy trial, which the Government had launched at the same time. In giving his ruling, he said that it would not be possible to discuss the Bill without referring to the proceedings in a case which was *sub-judice* and that the government's action was, therefore, a challenge to the Chair and undermined its authority. He adhered to his view in spite of the Viceroy's contention later in the course of his address to the House, that the interpretation given

by the President did not accord with the relevant rule governing the proceedings of the House. He wrote to the Viceroy protesting against his criticism of the Chair. Thus, he asserted the independence of the Chair with regard to its power to admit or disallow motions.

### *Control over the precincts of the House*

On 8th April 1929 when Vithalbhai was in the chair, two bombs were thrown in the Legislative Assembly. He later moved a motion denouncing the outrage and it was adopted by the House unanimously. In January 1930, there arose a controversy with the Government over the control of visitors to the Assembly, as a sequel to the bomb outrage. He declared that the security arrangements made by the Government for the protection of Assembly precincts would constitute a challenge to the authority of the Chair. The government of the day dissented from the view and maintained that in matters relating to the security of the House they were the best judges.

President Vithalbai Patel, on the other hand, asserted that the authority and control over the precincts of the Assembly should vest in the Chair and ordered the galleries to be closed till such time as a settlement in the matter was arrived at. An agreement was finally reached by which security arrangements in the Assembly were placed under the control of the President who would exercise his authority through officers directly appointed by him. This again was a vindication of the stand taken by him.

### *The Bardoli Struggle*

Primarily Vithalbai's objective was to use the Legislative Assembly as an effective forum for advancing the cause of India's independence, though he never lost sight of the complementary functions of maintenance of the dignity of the Chair and the setting up of healthy parliamentary traditions. During the time he was President of the Assembly, he spoke and wrote fearlessly and unequivocally now and then on legislative mea-

asures which were sought to be forced on the Assembly by the Executive against popular resentment and feeling and which he considered detrimental to the national cause. In 1928, he wrote a letter to Mahatma Gandhi supporting the no-tax campaign organised in Bardoli—a movement led by his brother Sardar Vallabhbhai Patel—and offering to contribute to it Rs. 1,000/- a month from his salary. In the course of the letter, he said :

.....I wish to give you this further assurance that at the very first opportunity I shall place myself in communication with those who have called me to the high office which I have the honour to occupy and which I regard as simply a trust on their behalf, and if I find that I can take any other more effective step to help the sufferers of Bardoli, you will not find me lagging behind.

### *Resignation and Arrest*

President Vithalbai, in due course, felt that despite his efforts he could not adequately safe-

guard the dignity, rights and privileges of the Members of the Legislative Assembly against encroachments from the bureaucracy. He felt convinced that it was not much of use to preside over an Assembly where no opposition was left to Government and where the decisions were dominated by the wishes of the Executive.

On April 26, 1930, he resigned the Presidentship declaring that he must ally himself with his people in their fight for freedom. He pledged his full support to Mahatma Gandhi and his first step was to intensify the no-tax campaign in Bardoli. His arrest and imprisonment soon followed his resignation of the Presidentship and association with the non-cooperation movement. When arrested on August 27, 1930, he said : "I have earned my pension and peerage."

In the January of the following year before he had completed the period of his sentence, he was released, as by then negotiations were under way between the Viceroy, Lord Irwin, and Mahatma Gandhi in respect of Constitutional reforms.

Early in 1931, Vithalbhai proceeded to Vienna for reasons of health, returned to India towards the close of that year and once again plunged himself into the national movement. This led to his re-arrest on 5th January 1932 but as he was broken in health he was released soon.

Later in 1932, Vithalbhai took upon himself to tour the United States with a view to acquainting that country with the true situation in India. In 1933, he was taken seriously ill and he proceeded to Europe for treatment. The end came soon and he died at Geneva on 22nd October 1933.

It was only fitting that, shortly before his death, the message which Vithalbhai Patel gave to his countrymen concluded with the words : "Before I die I am praying for the early attainment of India's freedom." His prayers did not go in vain and the country eventually became free.

It is in the fitness of things that one hundred years after his birth, the people of this country

remember this great patriot and thinker with respect and gratitude. On this occasion, we may recapture in our minds some of the qualities of head and heart which made him a truly remarkable personality who vastly influenced the events of his times. Vithalbhaj Patel was a very able Parliamentarian, possessed of profound and exhaustive knowledge of constitutional law. As the first elected President of the Indian Legislative Assembly, he made a record and won an acclaim for his knowledge, skill, love of freedom, tenacity, un-remitting industry and undaunted courage.

Gandhiji referred to Vithalbhaj Patel as 'a fearless Speaker'. Sir Shanmukham Chetty, successor to the presidentship of the Legislative Assembly, bore testimony to the remarkable character of his illustrious predecessor in the Chair, thus :

“In him we have lost one of the most remarkable personalities that walked the stage of India’s public life. . . . Great as he was as a

patriot, great as his work has been as a servant of his motherland, his work will shine as a great President of the Indian Legislative Assembly. . . . I feel confident that. . . . the future historian, who would be the proper judge, would give Vithalbhaj Patel an eminent place amongst the ranks of the great sons of India.”

*Sources consulted :*

- (i) Vithalbhaj Patel—Life and Times (Books I and II) by Gordhanbhaj Patel.
- (ii) Journal of Parliamentary Information Vol. IV, No. 2, (October, 1958) (Article by Dr. Ramesh Narain Mathur).
- (iii) The Indian Quarterly Register, edited by Mitra, Volumes 1925 to 1930.
- (iv) The Speaker in India by Maya Dube.
- (v) Silver Jubilee Commemoration Vol. Lok Sabha Secretariat, 1954 : Address by Shri M. N. Kaul, Secretary, Lok Sabha, pp. 57-77.

## **A P P E N D I C E S**

## *APPENDIX-I*

# IMPORTANT DECISIONS AND OBSERVATIONS OF PRESIDENT VITHALBHAI PATEL ON PARLIA- MENTARY PRACTICE AND PROCE- DURE

## ADJOURNMENT MOTIONS

### 1. MATTER NOT INVOLVING MINISTERIAL RESPON- SIBILITY CANNOT BE DISCUSSED ON ADJOURNMENT MOTION.

On the 4th September, 1928, a Member (Shri Gaya Prasad Singh) sought to move an Adjournment Motion to discuss the reflections on President Vithalbai Patel by a newspaper, as being a calculated attempt to lower the dignity of the House and the Chair. The President ruled as follows.

“I have no doubt whatever that the matter proposed to be discussed is a definite matter, I have also no doubt that the matter is urgent, and it is quite clear that the matter is of public importance. But that is not all. Because the matter proposed to be discussed is a definite matter of urgent public importance, the Presi-

dent is not bound as a matter of course to rule the motion in order. xx xx The President may in a proper case disallow such a motion. xx xx xx Generally speaking motions for adjournment xx xx must have relation, directly or indirectly, to the conduct or default on the part of the Government and must be in the nature of criticism of the action of Government. xx xx

I go further and say that if it is the intention of the Honourable Members to raise the question of privilege—and I do not know for the question of privilege does arise in this case—I should say at once that no discussion on question of privilege can take place on a motion for adjournment. I lay it down definitely and unambiguously. Under these circumstances, I regret, I must disallow the motion for adjournment.

There is one word more which I would like to say let not this ruling be understood to mean

that the House has no remedy whatever in such cases. I hold that it is inherent right of any Assembly to defend itself against outside attacks and it is perfectly open in a proper case for the House to table a substantive motion and pass a vote of censure or condemnation on the attacker. But that is a different matter. This cannot be done.”

(Legislative Assembly Debates pp. 149-54,  
4th September, 1928.)

2. GOVERNMENT NOT BEING IN POSITION TO GIVE  
PROPER REPLY IS NO GROUND FOR DISALLOWING  
AN ADJOURNMENT MOTION.

On the 25th Feb. 1926, a Member (Shri T. C. Goswami) sought to move an adjournment motion to discuss the hunger strike of certain State prisoners, the Minister concerned (Sir Alexander Muddiman) opposed the motion on the ground that he would not be in a position to give a proper reply. The President ruled :

“The fact that the Government is not ready to give a proper reply to the question raised by the motion for adjournment is no ground on which the Chair can disallow that motion. I hold that the matter proposed to be discussed is in order.”

(L. A. Debates, 25th February, 1926, p. 1799)

3. POLICY OF THE GOVERNMENT IN SANCTIONING WHOLESALE RAIDS AND ARRESTS IN VARIOUS PARTS OF THE COUNTRY IS NOT A MATTER *sub judice* TO BAR AN ADJOURNMENT MOTION.

On the 21st March, 1929, a Member (Pandit Motilal Nehru) sought to move an adjournment motion in order to discuss the policy of the government in sanctioning wholesale raids and arrests in different parts of India, the day before : whereupon objection was taken that the matter was *sub judice* and that the Court had taken cognizance of the cases and therefore the motion was out of order. The President ruled :

“I am satisfied that the matter proposed to

be discussed is a definite matter of urgent public importance. It is not denied that the matter is of recent occurrence. What is contended is that the matter proposed to be discussed is *sub judice*. As I understand the Opposition Benches, they propose to discuss the policy underlying this large number of raids and arrests, and not the merits of the cases that are to come before the Court of Law for adjudication. I am quite satisfied that the matter proposed to be discussed is not *sub judice*, but I am bound to say that if, during the discussion of the motion for adjournment in the afternoon, any attempt is made to discuss the merits of any of the cases that are proposed to be lodged, the Chair will take steps to see that such discussion is not permitted. I hope Honourable Members, when discussing this matter, will confine themselves strictly to the policy underlying these arrests and not refer to the merits of the cases that are to come before the Court. I rule that the motion is in order.”

(L. A. Debates, 21st March, 1929, pp. 2271-77)

#### 4. NOTICE OF CUT MOTION TO BUDGET DEMANDS IS NO BAR TO ADJOURNMENT MOTION

On the 10th Mar., 1928, a Member (Shri M. A. Jinnah) sought to move the adjournment of the House to discuss the Government's announcement re. the Sandhurst Committee Report when objection was taken that the motion anticipated motions for reduction on the same matter under the Army Department grant and was therefore out of order. The President ruled :

“I understand that the object of the motion is to censure the Government of India for turning down the unanimous recommendations of the Committee of their own creation. I have no doubt whatever—in fact, it has been admitted on all hands, that the matter proposed to be raised is definite, urgent and of public importance. I am also convinced, and, in fact it has been recognised, that an early opportunity should be afforded for raising this matter. The

question is, when should that opportunity come? I am of opinion that the matter proposed to be discussed is of such vital importance to the people of this country that an immediate opportunity should be afforded to the representatives of the people in this House to discuss it. The only objection taken by Government is that the motion is barred by anticipation. I have seen the various notices of motions on Demands for Grants, and I find none on which this definite question which is proposed to be raised by Shri Jinnah can be raised. It might be argued, though it has not been argued, that Shri Jinnah might put down a motion even now on the army estimates, but the answer to that argument is that, no one could say with any degree of certainty that the motion would be reached. It may or may not be that if a notice of motion is given by Shri Jinnah it will be reached either on Thursday or on Friday or will be reached at all. There is no reason why the Honourable Member should take any risk. In this view I am not prepared to hold that the

motion is barred by anticipation. In any case, I consider the matter is of such grave importance to the people of this country that I must allow the earliest possible opportunity to raise it, and I therefore rule that the motion is in order."

(L. A. Debates, 10th March, 1928, p. 1244)

#### BILL

5. THE HOUSE CANNOT REJECT THE BILL WHICH IT HAD PASSED AND SENT TO THE OTHER HOUSE ON RETURN THEREFROM WITH AMENDMENTS.

On the 12th Feb., 1929, on the motion that a certain amendment made by the Council of State in the Hindu Law of Inheritance (Amendment) Bill, which had been passed by the Assembly and sent up to the Council of States, be adopted, a Member (Pandit Madan Mohan Malaviya) proceeded to attack the Bill itself. The President intervened and pointed out :

"All these arguments are in favour of rejecting this Bill. The Honourable Pandit knows very well that nothing he will say now can entitle this Assembly to reject this measure. The Honourable Pandit must therefore confine himself to the amendment now before the House."

(L. A. Debates, 12th February, 1929, p. 732)

6. IT IS NOT OPEN TO SELECT COMMITTEE TO REJECT PRINCIPLE OF BILL COMMITTED TO IT.

On the 19th Feb., 1926, a Member (Sir Hari Singh Gour) while moving for recommitment of the Hindu Religious and Charitable Trusts Bill to a new Select Committee, asked for a ruling as to whether it was open to a Select Committee to say that "they cannot accept the main principle contained in the Bill." The President ruled :

"The Chair cannot lay it down as an invariable rule that in no case can the Select Committee report that the House should not proceed

with a Bill committed to it. Indeed, it is easy to conceive of circumstances in which it might be necessary for the Committee to make such a report. But at the same time the Chair is quite clear that it is not open to the Select Committee to say that it does not agree with the principle of the Bill. I regret to find that the Committee in this Report has stated that "the Committee cannot accept the main principle contained in the Bill."

It is not open to the Select Committee to say that it does not accept the main principle of the Bill. On the other hand it is quite open to this House to reconsider its own decision and say that it rejects the principle which it had once accepted. No one can take away the right of this House to revise its own decision, and this motion for recommittal affords an opportunity to the House to say whether it shall revise its decision or not."

(L.A. Debates, pp. 1541—45, 19th February, 1926).

#### 7. PUBLICATION OF BILL IN OFFICIAL GAZETTE DOES NOT DISPENSE WITH OBLIGATION TO MAKE COPIES AVAILABLE TO MEMBERS

On the 6th September, 1928, the Home Minister (Mr. J. Crerar) rose to move that the Public Safety Bill be taken into consideration when a Member (Pandit Motilal Nehru) objected to the motion being made on that day on the ground that copies had not been made available to Members. It was pointed out for the Government that the Bill had been published in the Gazette of India and that copies of the Gazette had been sent to every Member more than 3 days before. The President ruled:—

"x x x There is absolutely no doubt that this motion cannot be made unless copies of the Bill have been made available to Honourable Members three days before to-day. The question

is whether in this case copies of the Bill have been made available to Honourable Members three days before today. I am clearly of the opinion that the publication of a Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members. That expression has a special meaning attached to it by the Standing Orders, and in the absence of any directions by the President as to the manner in which a Bill is to be deposited and the place at which it is to be deposited—directions which should have been taken and carried out—I am afraid I must hold that the copies of the Bill have not been made available to Honourable Members three days prior to its consideration. I therefore rule that this motion cannot be made to-day unless the Standing Orders are suspended. As no request has been pressed in that behalf, it is not necessary for the Chair to consider that point.” (L.A. Debates, pp. 299—305, 6th September, 1928).

8. AUTHORITY AND INHERENT POWER OF THE CHAIR TO REGULATE THE PROCEEDINGS OF THE HOUSE

(See the article “Development of Parliamentary Conventions under President Patel” pp. 13—15).

9. INHERENT POWER OF THE CHAIR TO INTERVENE IN DEBATE WHEN REAL AND REASONABLE DEBATE IS NOT POSSIBLE OWING TO MATTER BEING *sub judice*

(See Article by Dr. G. S. Dhillon on Contribution of Shri Vithalbhai Patel to the Office of Speaker pp. 17—22).

10. NEWSPAPER COMMENTS REFLECTING UPON THE IMPARTIALITY OF THE CHAIR CANNOT BE TOLERATED

(See the article “Development of Parliamentary Conventions under President Patel” pp. 110—112).

## DEBATE

### 11. MOVING OF CLOSURE MOTION IN THE MIDST OF A SPEECH IS TECHNICALLY IN ORDER

On the 24th March, 1927, in the midst of the speech of a Member (Shri C. S. Ranga Iyer), another Member sought to move closure motion. The President ruled :

“The Honourable Member is technically in order in moving the closure in the midst of a speech, but it will create a not altogether desirable precedent which I am not going to establish in this Assembly. I know of no instance in which closure has been accepted by the Chair during the midst of a speech and I do not want to make a departure. I should like to add that, even if all the other Honourable Members are on one side and the Honourable Member (Shri C. S. Ranga Iyer) is in the minority of one, the Chair has a special responsibility to see that his

rights are protected. I hope, however, the Honourable Member will not abuse the indulgence which has been given to him.”

(L.A. Debates, 24th March, 1927, p. 2701)

### 12. EXCEPTION TAKEN TO THE DISCOURTESY SHOWN BY THE COMMANDER-IN-CHIEF BY HIS ABSENCE WHEN HIS SPEECH WAS BEING DISCUSSED

(See the article “Development of Parliamentary Conventions under President Patel”—pp. 107—109).

## DIVISION

### 13. MEMBERS MUST NOT COME INTO THE CHAMBER AFTER THE LOBBY DOORS HAVE BEEN CLOSED

On the 24th September, 1928, during the course of a division on the Public Safety Bill, a Member came into the Chamber through the ante-door

behind the President's Chair and approached the Secretary's table. The President pointed out :

“It is very wrong for the Honourable Member to come into this Chamber in this way. I think the Government should see to this. It is entirely wrong for Honourable Members to come through another door after the lobby doors have been closed.”

The next day, after questions, the Member concerned expressed his sincere regret and apologised to the Chair and the House, and the Government associated themselves in this expression of regret. The President accepting the same observed :

“I fully sympathise with the Honourable Member from Madras. Not only must he be feeling because he was unable to vote, but also he incurred the displeasure of the Chair and the House. But considering that the Honourable Member is quite new to this House, and as

he says, is not fully conversant with the Parliamentary etiquette and rules, I hope the House will allow me to accept the apology that he has given. I cannot help feeling that the Honourable Member's position is really such that every one in this House must sympathise with him. He came to me this morning and told me that he was very, very sorry that he entered by the ante-door after the lobby doors were closed, and I hope Honourable Members will say nothing more about the incident.”

(L.A. Debates, p. 1383, 24th September, 1928, and p. 1389, 25th September, 1928).

#### 14. MEMBERS SHOULD NOT SIT IN THE VISITORS' GALLERY FOR ANY LENGTH OF TIME

On the 22nd Feb., 1927, a certain Member after making a speech went and occupied a seat in the Visitors' Gallery. Reference was made to him in a subsequent speech and it was pointed out that he was sitting in the Visitors' Gallery. The

President observed :

“I take this opportunity of informing Honourable Members that the Visitors’ Gallery is intended for visitors and that it is not desirable that any Honourable Member should go and occupy any seat in the Gallery for any length of time.”

(L.A. Debates, 22nd February, 1927, p. 1153).

### LEGISLATIVE RULES

#### 15. THE CHAIR HAS INHERENT POWERS TO DISALLOW OR RULE OUT A MOTION ON THE GROUND THAT IT INVOLVES AN ABUSE OF THE RULES

On the 3rd September, 1929, a Member (Shri S. C. Mitra) on behalf of another Member (Mr. Yusuf Imam) wished to move a Resolution in the following terms :

“This Assembly recommends to the Governor

General in Council that he be pleased to convey to the Secretary of State for India its considered opinion that :

- (i) by according his sanction under section 129A of the Government of India Act to the enactment of rule 17A he has forfeited the confidence of this House and the country,
- (ii) the part played by His Excellency Lord Irwin in the enactment of this rule is highly reprehensible, and that,
- (iii) Steps be taken forthwith to make this House the master of its own procedure by empowering it to make and unmake its own rules for the conduct of business.”

The President doubted if part (ii) of the Resolution relating to the part played by His Excellency the Viceroy in the enactment of the rule was admissible and allowed discussion on the point whether the Chair had the inherent power to disallow the Resolution on the ground that it involved an abuse of the forms and procedure of the House,

in the absence of any express power in that behalf. The Government contended that under the combined operation of Standing Orders, the Chair should rule the motion out of order. On the other hand, it was pointed out that under the rules there was no express power enabling the President to disallow a motion of that sort—though a speech on such a motion might be out of order. The President, however, decided as follows :

The question I have to decide is whether the part of the Resolution in question is in order. There is of course no rule or Standing Order which gives the Chair express power to rule it out of order. At the same time there is no doubt that the Resolution cannot be moved without referring to matters which have been prohibited by Standing Order 29. In fact the only matters that could be relevant are those which come under prohibition. I am convinced, therefore, that no debate is possible on this motion without wholesale infringement and abuse of the Standing Order in question, and yet I would be bound to admit the Resolution and put it to the vote of the House if I had no inherent power to rule it out. This would result in

absurdities, I have no doubt in my mind that every occupant of the Chair of a deliberative assembly possesses and ought to possess, if he is to function as such inherent power to prevent the abuse of the forms and procedure of that body. It is no doubt true that these discretionary powers are liable to abuse, but for that the remedy is obvious. If the occupant deliberately and grossly misuses or abuses these powers, the Assembly can remove him by a vote of no-confidence. The remedy does not lie in the direction of endeavouring by any rule or resolution to restrict or take away those powers. I am convinced that the Chair has got the inherent power to rule a motion out of order on the ground that it involves an abuse of the rules and procedure, and I have no doubt that this motion does involve such abuse. I, therefore, rule that part of the Resolution out of order, and will allow Mr. Mitra to move the other parts of the Resolution."

But before allowing the Member to move his Resolution the President suggested that Government might inform the Assembly of their attitude in regard to proposals for the amendment of the rules in future and after Government had stated their position agreeing to bring before the House

all important alterations in the Rules before reporting them for sanction of the Secretary of State in Council, the President observed :

“To put it briefly the attitude of the Government is that henceforth, in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit their proposals to the Secretary of State, except in case of emergency, and the Assembly is not in Session at the time. In that case they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very very rare and exceptional. That being so, one point the Honourable Members have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the rules is taken up.

The further question proposed to be discussed by the Honourable Member from Bengal really concerns the President no less than the House, and by common consent, you have appointed me as the custodian of the rights and privileges, of the honour and prestige of this House and the

sole director of its procedure, and I feel that no useful purpose would be served by discussing or recording a vote of censure against the Government of India or the Secretary of State for not consulting the Legislature in regard to this particular amendment, because, so far as I have been able to gather during my experience of four years in this Chair, what the Assembly wants is not merely the right to be consulted, but full power to make and unmake its rules of business, irrespective of the Government of India or the Secretary of State. They are not going to be satisfied with the right to be consulted, but what they are concerned with is the main thing, namely, the right to make its own rules and unmake them. That being so, I am clearly of opinion that no useful purpose would be served by discussing this vote of censure on the Secretary of State and the Government of India. Honourable Members are also aware that the whole of the Government of India Act, every rule and resolution made under it are in the melting pot and who knows what is going to come out of it. This particular rule, which has been recently sanctioned by the Secretary of State, is also in the President, what the self-respect and the dignity of this House demands, and if any occasion arises, I hope it will not arise, when it is necessary that

I should fight for the liberties of this House and the dignity of the Chair, I hope Honourable Members have sufficient confidence in me to believe that I shall rise to the occasion. I therefore trust that the Honourable Member from Bengal will accept my advice and not raise this discussion at this juncture."

The Member (Shri Mitra) accepting the suggestion of the President did not move his resolution.

(L. A. Deb., pp. 154-163. 3rd September, 1929).

**16. PRESIDENT IS THE SOLE JUDGE OF ADEQUACY OF SECURITY MEASURES WITHIN THE PRECINCTS OF THE LEGISLATIVE ASSEMBLY**

(See the article "Development of Parliamentary Conventions under President Patel" pages 117-118).

**17. REFLECTIONS ON CONDUCT OF JUDGES NOT ALLOWED BUT CRITICISM OF JUDGMENT PERMISSIBLE**

On 26-1-1926, a Member (Shri T. C. Goswami) commenting in the course of a speech upon the conduct of a judicial tribunal—

The President ruled that no comment reflecting upon the conduct of Judges were permissible whether the case was pending or disposed of but that criticisms of judgment were permissible in so far as they were possible without reflecting on the conduct of Judges.

(L. A. Deb. pp. 278-79, 26th January, 1926)

(See also p. 4670. 19th September, 1927; p. 588. 11th September, 1928 and p. 1822. 12th March, 1929).

**18. MEMBERS SHOULD NOT SMOKE IN THE CHAMBER**

On the 18th Feb., 1928, the President noticing a Member smoking in the Chamber during a

sitting of the Assembly, remarked :

“It is a very bad precedent that Honourable Member is setting up in this House. He is not

in order in lighting a cigarette in the Chamber.”

(L. A. Deb, 18th February, 1928, p. 505).

*APPENDIX-II*

**PROCEEDINGS OF THE BIRTH CENTENARY  
CELEBRATIONS OF LATE SHRI VITHALBHAI  
PATEL HELD ON 18-12-1973 IN THE CENTRAL  
HALL OF PARLIAMENT, NEW DELHI**

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DR. G. S. DHILLON (*Speaker Lok Sabha*)

Madam Prime Minister and Hon'ble  
Members of Parliament,

I deem it a great privilege to have this opportunity, along with other colleagues, to pay tributes to the memory of the late Shri Vithalbhai Patel, whose birth centenary we are now celebrating. This day must surely rank as a unique and memorable occasion. For we are gathered here to remember a man who earned wide admiration and esteem, not only as an outstanding Parliamentarian, but also as one noted for his fervent patriotism and devotion to just causes.

With an honourable record of long and dedicated service, Vithalbhai enjoyed a reputation second to none. His leading role in national affairs, his exceptional abilities and rich and varied experience, and his selfless pursuit of high ideals

marked him out as one of our great leaders.

It is hardly necessary for me on this occasion to dwell upon Vithalbhai Patel's life and career, of which, I am sure, we are all well aware. Yet, I feel, my tribute to him will not be complete, unless I mention some notable facets of his many-sided life, which distinguished him as a great man whom the nation and posterity will forever remember with pride and gratitude.

Vithalbhai was elected to the Imperial Legislative Council in 1918, and it did not take long for Members of the House to feel the impact of his forceful personality. In 1924, he entered the Indian Legislative Assembly and became the Deputy Leader of the Swaraj Party, when Pandit Motilal Nehru was the Leader. It was in 1925, that he had the unique distinction of being the first elected President of the Central Assembly on the retirement of Sir Frederick Whyte, a Member of the House of Commons who was nominated as the President. Also, he was the first Indian to

have ascended to that exalted position. He continued to hold this office till 1930 when he resigned to participate in the freedom struggle.

Whether as a Member of the Imperial Legislative Council, and of the Indian Legislative Assembly, whether as the President of the Legislative Assembly, or, later, as a leading fighter for the country's independence, Vithalbhai went on adding one laurel to another. The key to this outstanding achievement lay in his rational and pragmatic approach to politics and his eagerness to serve the right cause in a truly democratic and patriotic manner.

Soon after his election as the President of the Legislative Assembly he assured the House that he was fully conscious of obligations of his office and that he would do his best to live up to the image of an ideal Speaker. Needless to add, this promise he scrupulously kept all along by displaying strict impartiality and undaunted independence in his dealings with all sections of the House.

One of the essential pre-requisites of an ideal Presiding Officer is that he must have a deep-seated reverence for the institution of Parliament, a sincere respect for its traditions, and an unshakable faith in democratic Parliamentary government. Vithalbhai fulfilled these requirements in ample measure. During the entire term of his Presidentship, he strove to establish and maintain the dignity of the Chair and preserve the decorum of the House. A great and uncompromising democrat as he was, he completely identified himself with the spirit of the House. In fact, he regarded himself and the House to be inseparable. In the interpretation of the rules and orders of the House, Vithalbhai was ever mindful of his special responsibility as the custodian of the rights of the Members and independence of the House against official encroachment.

If it came to upholding and enlarging the dignity and authority of the Chair, Vithalbhai did not hesitate even to come in conflict with the Government, if the circumstances so warranted. His

casting vote against the first Public Safety Bill was in keeping with the highest Parliamentary traditions. Vithalbhai decided to vote against the motion, for he believed that the Government, having failed to secure a clear majority in its favour, could hardly expect the Chair to give its casting vote in favour of the motion.

The other, more famous, ruling given by President Patel was on the second Public Safety Bill. When a motion for consideration of the Report of the Select Committee on the second Public Safety Bill, which was meant for suppression of liberties and aspirations of our people for freedom—the national and fundamental demand of a nation justly proud of its past and struggling to regain what it had lost, was moved in the Legislative Assembly, President Patel ruled the motion out of order on the ground that it would deprive the opposition of its legitimate right to real and reasonable debate. President Patel had taken the view that free and full debate on the Bill was not possible so long as many of the

matters involved in the Bill were *sub judice*. This led to a new Legislative Rule being promulgated by the Government, which barred the President from refusing to put any motion to the House. Following strong protests in the House against the promulgation of the new Rule, Government had ultimately to agree to a convention being established that, except in certain exceptional cases, the Legislature should be consulted before any important change was made in the Rules. President Patel's ruling would thus find an important place in the annals of the Indian Parliament, for it related to one of the most important functions discharged by him as Speaker. It asserted the inherent right of the Chair to decide whether a motion was in order or not. It was also mainly due to his efforts that an independent Secretariat was created for the Legislative Assembly.

While serving in the Legislative Assembly, Vithalbhai had not forgotten for a moment his primary role as a fighter for the country's freedom. When the movement of non-violent non-coopera-

tion and civil disobedience initiated under the leadership of Mahatma Gandhi got into full swing, he lost no time in deciding that as his proper place was with his countrymen he should stand shoulder to shoulder with them and not stay any longer in the Chair of the Assembly. He resigned from the Presidentship and Membership of the Assembly in April 1930 and pledged full support to Mahatma Gandhi. His arrest and imprisonment soon followed his resignation and association with the non-cooperation movement.

In Vithalbai Patel we had a freedom fighter with burning love for the country and a Speaker who was truly worthy of the burden and trust of his office. He held this office with distinction and a sense of devotion. His vision and adherence to principles, his grace and dignity, his understanding and sympathy added a new lustre to the high office he held, and earned for him the affection and admiration of all sections of the House.

Vithalbai's birth centenary is just the occasion when we could rededicate ourselves to the causes

which were so close and dear to his heart. If ever a man deserved grateful recognition of his countrymen for selfless service to the nation, Vithalbai was indisputably one. The later Presidents and Speaker who followed him were always conscious of the great traditions he had set up. Personally I feel proud that I, like my predecessors, had had the luck and privilege to sit on that Chair which stands witness to his patriotism, scholarship and his mature handling of situations against the mighty British Imperialist forces. I am sure it will be a source of inspiration and guidance to future Speakers and Members.

To my mind, we would be paying the best tributes to his memory by renewing the pledge to uphold the traditions that he established during the glorious years he adorned office of Speaker of this august House. It is my belief that the valuable conventions and precedents set by him would continue to serve as a beacon to our legislators for a long time to come.

Thank you.

**SHRIMATI INDIRA GANDHI** (*Prime Minister*)

Mr. Speaker, distinguished Members of Parliament,

It is a privilege to be associated with this function for we have gathered to honour one of the greatest parliamentarians that our country has produced, one who made history as President of the Central Legislative Assembly. To him we owe many of the traditions and conventions by which this House governs itself and the high reputation our Parliament enjoys as a defender of freedom and personal liberties.

It is sometimes believed—although wrongly—that by adopting the parliamentary system from the West, we automatically inherited all the rights and prerogatives implied by it. But in truth, these rights were not won without a struggle. In

the one decade during which the Central Assembly had stalwarts like Lala Lajpat Rai, Vithalbhai Patel himself, Motilal Nehru and Madan Mohan Malaviya, the House battled with an alien regime, and into that one decade were packed the battle and victory that the British Parliament had fought over two to three hundred years.

The Speaker has already given a vivid account of Vithalbhai Patel's achievements as its President. How he extracted an expression of regret from the then Commander-in-Chief, how he closed the galleries for two months in order to establish the Speaker's supremacy over the Assembly precincts, how he insisted on Sir John Simon calling on him—these events thrilled the nation when they happened, and they occupy a place in the history of our nationalist struggle.

I should like to refer to another aspect of Vithalbhai Patel. A biographer of Vithalbhai Patel describes the qualities which made him an outstanding parliamentarian and I quote : "Hard

work and day-to-day preparation; a deep study of the country's economic and political problems and a rare mastery over detail; a sharp intellect reinforced by eternal vigilance on behalf of public interest; a constructive approach backed by informed and fearless criticism; a high sense of responsibility and loyalty towards one's constituency." These are indeed high virtues ! yet they do not bring out his outstanding quality : his defiance and daring. These are significant when we remember how very different were the circumstances of parliamentary life, indeed of all aspects of life, in those days under colonial rule.

I think Vithalbhai Patel would have liked posterity to salute him not merely as a parliamentarian but as a relentless rebel—a rebel who defied foreign rule and also equally defied the outmoded customs in his own country.

Vithalbhai's father had taken part in the Great Rising of 1857. The son remained a lifelong fighter for freedom. He began as a Moderate in

politics, but in matters of social reform he was far ahead of his contemporaries. From the earliest times he opposed the caste system. When his father died in 1910 he boycotted the dinner which his own family gave for their caste. He was one of the few who worked for removal of untouchability even before Gandhiji came on the scene.

Vithalbhai Patel had an integrated social philosophy : he was on the side of the underdog and the deprived. He was one of the earliest champions of trade union rights in our country. As early as the twenties, he advocated the socialisation of the steel industry. He also realised the importance of establishing links with the labour movement in England and in Europe,

He had always admired the tactics of the Sinn Fein movement of Ireland and believed that freedom should be won by whatever means. A little before his death, far from the motherland, he issued a statement jointly with Subhash Chandra Bose calling upon the country to give up the path

of non-violence. As someone has said, he remained “a lone star” apart from the constellation, Although he accepted Mahatma Gandhi as his political leader, somehow he never could reconcile himself to Gandhiji as a saint. Unlike Motilal Nehru or his own brother Vallabhbhai Patel or Jawaharlal Nehru he refused to yield to Gandhiji, and that was one of the reasons for the numerous controversies which raged around him. Even his will, in which he bequeathed his property to the national cause, became a matter of bitter controversy and was taken to the courts.

At the time of Vithalbai’s funeral, Horniman described him, and I quote, as “a man much misunderstood in life, even by those with whom he worked with never-failing loyalty in the country’s cause; misrepresented sometimes even by his own countrymen and maligned by his enemies.”

My father called him a warrior who battled for India’s freedom, saying, and I quote : “The cause of freedom has consumed many brave warriors in

its flames, and it will consume many more of India’s sons and daughters. But the cause remains, the fight continues and shall continue until the goal is reached.”

Now, forty years after Vithalbai Patel’s death and with the goal of political independence reached, the old controversies are stilled but there always will be need of people with sturdy independence of mind, with adventurous hearts and with the kind of scepticism which marked Vithalbai’s special brand of humour.

Today we honour a great parliamentarian, a political fakir of inflexible will, a patriot who saw a great dream for India with a proud place in the family of nations, a rebel who enjoyed a fight and who breathed the fire of freedom. Here, in this Parliament, he looks down at us with unwavering gaze. Any Parliament and any country would be proud of this awe-inspiring patriarch and prophet.

It is a privilege to join in paying this tribute to him.

**डा० गोविन्द दास** : अध्यक्ष जी, प्रधान मंत्री, बहन इन्दिरा जी, बहनों और बन्धुओं,

आज इस सदन का शायद मैं ही एक ऐसा सदस्य रह गया हूँ, जिस ने स्व० विट्ठलभाई पटेल जी का अध्यक्ष-काल देखा है। सन् 1919 में इंग्लैंड की पार्लियामेंट ने जो गवर्नमेंट आफ इन्डिया ऐक्ट बनाया था, उस में दो सदनों की स्थापना हुई थी। उस ऐक्ट के अन्तर्गत केन्द्र में एक केन्द्रीय एसेम्बली बनी और दूसरी कौंसिल आफ स्टेट्स, जिसे अब राज्य सभा कहा जाता है। उसी समय इंग्लैंड की सरकार ने सर फ्रेड्रिक ब्हाइट को चार वर्ष के लिए केन्द्रीय एसेम्बली का अध्यक्ष नामजद कर के भेजा था। 1920 में पहले चुनाव हुए और गवर्नमेंट आफ इन्डिया ऐक्ट, 1919 के अनुसार आधिक योग्यताओं के आधार पर परिमित मतदाताओं ने उन चुनावों में भाग लिया था। 1920 के चुनाव का कांग्रेसजनों ने बहिष्कार किया परन्तु 1923 में कांग्रेसवादी स्वराज्य पार्टी के रूप में केन्द्रीय व्यवस्थापिका सभा में आये। सन् 1923 में श्री विट्ठलभाई पटेल केन्द्रीय व्यवस्थापिका सभा के सदस्य

होकर आये। 1923 में सर फ्रेड्रिक ब्हाइट का केवल एक वर्ष बाकी रह गया था, अध्यक्ष का चुनाव हुआ और श्री विट्ठलभाई पटेल जी के खिलाफ दीवान बहादुर टी० रंगाचारी खड़े हुए। केवल दो वोटों से विट्ठलभाई जी की जीत हुई। इतिहास प्रायः दोहराया करता है। यह बात 1934 में फिर दोहराई गई जब दूसरी बार कांग्रेस वाले श्री भूलाभाई देसाई के नेतृत्व में केन्द्रीय एसेम्बली में पहुंचे और श्री मावलंकर जी उस समय खड़े किये गये और वे भी दो ही वोटों से जीते।

विट्ठलभाई जी की जीत यद्यपि दो वोटों से हुई थी परन्तु उस केन्द्रीय एसेम्बली में, जिस को उस समय केवल एक डिबेटिंग सोसाइटी ही कहा जाता था क्योंकि उस के पास कोई अधिकार नहीं था, कुछ चमत्कारी बातें हुईं और उन बातों में श्री विट्ठलभाई जी का प्रधान हाथ रहा।

कैम साहब जिस समय केन्द्र में होम मेम्बर थे, वे एक पब्लिक सेफटी नामक बिल लाए। उस समय हर बात का गवर्नमेंट को पूरा अधिकार था लेकिन विट्ठलभाई जी ने अपनी रूलिंगों के द्वारा कुछ ऐसी परिस्थिति पैदा कर दी कि उन को उस बिल को वापस लेना पड़ा था। उस समय

भारत का कमान्डर-इन-चीफ केन्द्रीय एसेम्बली का सदस्य हुआ करता था। उन को खुले सदन में विट्ठलभाई जी से माफ़ी मांगनी पड़ी। इस प्रकार कुछ ऐसी बातें पं० मोतीलाल नेहरू के नेतृत्व में विट्ठलभाई जी के द्वारा हुईं जिस से उस काल का इतिहास बन गया और उस इतिहास को मैंने स्वयं अपनी आंखों से देखा है।

वह पराधीनता का युग था और उस समय केन्द्रीय एसेम्बली को या उस समय की कौंसिल आफ स्टेट्स को कोई अधिकार नहीं था। गवर्नमेंट पूरे अधिकार में थी। ये सब सदन डिबेटिंग सोसाइटी कहे जाते थे लेकिन तब भी उन्होंने कुछ चमत्कारिक काम किये।

उन का बाह्य रूप भी बड़ा भव्य था। विश्वविद्यालयों में जो चौगे पहने जाते हैं और हाई कोर्ट के जज इत्यादि सिर पर जो विग लगाते हैं, मैं उन के थोड़ा खिलाफ था लेकिन वे श्री विट्ठलभाई जी को बहुत शोभते थे। उन के मुख पर दोनों ओर से सजे हुए विग के बाल और बीच में उन की सफेद दाढ़ी और खुले चौगे के भव्य बाह्य आकार का कई बार स्मरण हो आता है। ऐसे विट्ठलभाई जी का आज हम 100वां जन्मदिन मना रहे हैं, उन्हें श्रद्धांजलि अर्पित

कर रहे हैं। ऐसे जीवन सदा प्रेरणा देंगे और देते रहेंगे।

इन शब्दों के साथ मैं श्री विट्ठलभाई पटेल के चरणों में श्रद्धांजलि अर्पित करता हूँ।

**SHRI DASARATHA DEB :** Mr. Speaker, Madam Prime Minister and the Members of Parliament.

A short biographical sketch of late Shri Vithalbhai Patel which is available to us now gives a brief account of his activities as a lawyer, as a Member of Legislative Assembly and as one of the active participants in the freedom struggle of our country. His work as the first elected non-official President of the Legislative Assembly revealed that he was one of the outstanding Parliamentarian of his contemporary period. He cultivated himself as a true Parliamentarian. During the tenure of his Presidency of the Central

Legislative Assembly he discharged his duty as the custodian of the rights and privileges of the Members of the House and also asserted control of the President of the Assembly over the proceedings of the House. A biographical sketch of late Shri Vithalbhai Patel has given a brief account of his activities as legislator, as President of the Assembly and also as freedom fighter. I do not propose to take more time here in making a long speech on him. I only want to say one word more that this sort of birth centenary of a Parliamentarian like late Vithalbhai Patel deserves to be celebrated by Members of Parliament and I am happy that Members of Parliament are celebrating his birth centenary today.

Thank you, Sir.

SHRI H. N. MUKERJEE : Mr. Speaker, Madam Prime Minister and friends,

I associate the Communist Party of India in

Parliament and myself with the homage that is being paid this evening to the memory of Vithalbhai Patel. We in Parliament have particularly a pious obligation to cherish his memory and I remember distinctly how in the first Parliament when Speaker Mavlankar was elevated to the Chair some of us had occasion to point to the portrait of Vithalbhai Patel and to say that the Chair could follow no grander traditions than those laid down by Vithalbhai Patel.

I feel, however, that we think of Vithalbhai Patel only as an outstanding parliamentarian which he must have been but also as a man who had devoted his life and his talents to the struggle for the freedom of our country. Like all sensitive people of his time he was drawn into the vortex of that struggle and with his kind of militant temper it was natural for him to gravitate into the Home Rule Movement, than into Gandhiji's orbit and to be living the life which in now a matter of history. I think for certain historical reasons his younger brother, the Sardar of Bardoli, is perhaps today

better known but in our young days V. J. Patel that was the designation with which he was familiar was a very much better known personality, and I remember having read and heard about his activities as one of the leading lieutenants of Mahatma Gandhi at a period of time when even though Mahatma Gandhi was undoubtedly the predominant figure on any computation, there were people like Chittaranjan Das, Motilal Nehru, Hakim Ajmal Khan, Vithalbhaji Patel and others whom I need not name, Who could stand up to him in a manner which really gave a tone to political leadership in our country which was magnificent. He was one of the stalwarts of our national movement and that is how, I think, he ought to be remembered, and not merely as an outstanding parliamentarian. He went into Parliament—and the Legislative Assembly of those days hardly could be glorified by the name of Parliament—because the national leadership had decided that the struggle had to be taken right into the enemy's own citadel, so that by consistent, persistent and insistent obstruction, we could

make the legislatures another forum of national struggle. It was in that period when the Swarajya party had come with the blessings of the entire Congress movement and the differences were patched up. It was at that period that Vithalbhaji Patel's talents were seen to the best advantage. He could do so many things like the setting up of an independent Secretariat even in the inhibited conditions of British rule, not merely because he was outstanding as a debator, a person who could play the game of parliamentary politics as well as or better than his British compeers, but he had the sanction and the backing of the national movement behind him. It was no easy job in those days, for instance, to have a quarrel with the Viceroy and Governor-General who was the boss of the entire show.

Vithalbhaji Patel succeeded as President of the Legislative Assembly Sir Frederick Whyte, who was constitutionally, absolutely, proper and well-behaved and all the rest of it. However, Whyte never asked for an independent Secretariat for the

Legislature. But succeeding Sir Frederik Whyte, Vithalbai could ask for an independent Secretariat, because he put the whole matter in the setting of the developing national movement, because the Central Legislature would not remain the kind of petty debating club that it was, but it would grow into the Parliament that we have in our country today, the forum of the nation. This was the basis of his approach. He was associated with the national movement and participated in it to the end of his days. He gave to the struggle for our country's freedom all his talents and all that he possessed.

It was no easy job when he ruled from the Chair that the Public Safety Bill could not be discussed in the House because the Government had just launched the Meerut Conspiracy case, where the Communists, trade unionists and other democrats had been all prosecuted together and the Government was trying to prepare a case against propagation of communism in this country. And he ruled : "You have gone to court in order to secure

a verdict against communism as subversive of society and, therefore, at the same time, you cannot have legislation the discussion of which would naturally impinge upon the prerogatives of the judiciary". He could do so because in those days, we had a united national movement and that is why, the Meerut Conspiracy accused could be defended by leaders of the Congress Party and that Jawaharlal Nehru and other people could come forward in order to organize assistance for the defence of the Meerut Conspiracy case.

When the time came in 1930, he threw up his job and joined the national movement, and as he had done before in 1920-21, he went to jail. I discovered in one of the folders distributed by Parliament Secretariat that, he said, 'I have got as former Speaker, my peerage and my pension, which is my sentence in jail'. That was the kind of man that he was. And then he went abroad. His last days were not particularly happy, but he was a man with militant temper. He was then sick in body. He wanted medical treatment, but

I am sure, he did not go abroad merely for that. This country could also provide him medical treatment, but he was sick in soul also. I remember, he then wrote some letters to the leadership. He joined hands with Subhas Chandra Bose abroad in Vienna or somewhere else, wrote some letters, because he was unhappy about certain happenings in that rather confusing period between 1932 and 1934, when the national struggle had come to a sort of dead stop and when nothing was in sight. He died as an unhappy man, but to the end of his days, he was sure, as sure as the sun rises tomorrow, that the country would be free. He had made up his mind about giving his life and all that he possessed for the sake of freedom. He made friends with Subhas Chandra Bose and dared do so even facing some obloquy from his colleagues at home, because he had a militant temper all the time. Even in his last will and testament, he left a legacy for Subhas Chandra Bose. Some petty minded people in India had tried to contest that will and possibly Subhas Chandra Bose, as long as he was functioning in this country, could never

get hold of the money involved in that legacy. That apart, he was a man, who had a mind of his own, who could fight independently, who could stand up against Gandhiji, but at the same time knew very well that Gandhiji was the greatest tribune of our people. He represented in high office the majesty of our peoples greatness, he was among those responsible for bringing about their resurgence and he devoted himself, heart and soul to the cause of the freedom of our country.

I remember and salute him not merely as a parliamentarian, whatever that might mean, but as a great patriot, who was an outstanding parliamentarian in his own way. He was a great patriot, he fought for the freedom of this country and that is why, we should remember and salute him.

I am only a little grieved, but perhaps because of his younger brother also being a particularly distinguished person, the memory of Vithalbhai

Patel had got rather pale and people think of him only in connection with Parliamentary Secretariat autonomy and all the rest of it. Such things are important in their own way, but from the larger angle and the wider national context, we remember him as one of the makers of our country, one of the stalwarts of our freedom struggle, one of those famous men whose memory we cherish, we respect, we revere and remember. Thank you.

**श्री जगन्नाथ राव जोशी :** आदरणीय अध्यक्ष महोदय माननीया प्रधान मंत्री जी, सम्मान्य सदस्यगण और अन्य महानुभाव, यह हमारा वास्तव में परम सौभाग्य है कि स्व० विट्ठलभाई पटेल जी के बारे में केवल सुनी-सुनाई बातें न सुन कर प्रत्यक्ष आंखों देखा हाल हम को सेठ गोविन्द दास जी से सुनने को मिला। इस के लिए मैं खुद को परम सौभाग्यशाली समझता हूँ और यह कोई मामूली बात नहीं है। यह भी हमारे लिए एक परम सौभाग्य की बात है कि आज हमारे साथ एक ऐसा व्यक्ति है जिस ने प्रत्यक्ष रूप से

उन के साथ काम किया और एक संसदीय लोकतंत्र की प्रणाली को जिस देश ने अपनाया है, उस की नींव डालने में जिस ने अपना भारी भ्रकम योगदान दिया है।

मुझे, उस समय की याद आती है, जिस समय असहयोग का नारा बड़ा बुलन्द था। ऐसी स्थिति में 1919 में अंग्रेजों द्वारा दिये गये अधिकार को स्वीकार कर के काम चलाया जाए या न चलाया जाए और उन मर्यादित अधिकारों में जनता का हित कैसे किया जा सकता है, इस का एक श्रेष्ठ आदर्श विट्ठलभाई पटेल जी के उदाहरण से हम को मिल सकता है।

मैं आप का ज्यादा वक्त नहीं लेना चाहता, किन्तु मुझे से पूर्व अभी एक सम्मान्य सदस्य ने पब्लिक सेफटी बिल के बारे में कुछ जिक्र किया, तो मुझे ऐसा लगता है कि We have travelled farther much long practically right from the Public Safety Bill to the Preventive Detention Bill. यहां से वहां तक हम पहुंचें हैं। इसलिए मुझे लगता है कि जब हम

ने संसदीय लोकतंत्र की प्रणाली को स्वीकार किया हुआ है, तो उस के लिए इधर उधर देखने की जरूरत नहीं है। वास्तव में इस तंत्र प्रणाली को मजबूत करने का वास्तव अधिकार जो है, वह अपना है इस देश का है और एक सामान्य घटना से इस बात का परिचय हो जाता है कि आदि शंकराचार्य और मण्डल मिश्र जी के वाद-विवाद की अध्यक्षता इस देश की एक महिला ने की, माता सरस्वती ने की। इसलिए जब प्रधान मंत्री श्रीमती इन्दिरा गांधी इस देश की प्रधान मंत्री बनती हैं तो दुनिया को शायद आश्चर्य लगे लेकिन भारत को बिल्कुल आश्चर्य नहीं होता है और इस के लिए हम को अभिमान और गर्व होता है कि पुरानी परम्परा आज भी जिन्दा है, जीवित है। यही उस का परिचायक है। इसलिए ऐसी स्वस्थ परम्परा, जिस के अन्दर लोकतंत्र की प्रणाली मजबूत हो, उस का हर स्तम्भ मजबूत हो, को देखना होगा क्योंकि भारत के इर्द-गिर्द धीरे धीरे लोकतंत्र के अधिकार के संकुचित होने से यहां पर कुछ भय का निर्माण हुआ है। ऐसी स्थिति में एक दीप-स्तम्भ के नाते उस तंत्र प्रणाली को मजबूत करने का आदर्श जिस ने हमारे सामने रखा, ऐसे श्री विट्ठल भाई पटेल को श्रद्धांजली

वही होगी जब उन के द्वारा डाली गई नींव को हम मजबूत बनाएं और एक जीते-जागते लोकतंत्र के आदर्श को यहां उपस्थित करने में अपनी सारी कोशिश, प्रयत्न प्रामाणिकता से करें। यही मुझे लगता है कि उन के प्रति हमारी सच्ची श्रद्धांजली होगी।

धन्यवाद।

**SHRI THILLAI VILLALAN :** Mr. Speaker,  
Madam Prime Minister and friends,

I feel proud in participating the birth centenary ceremony of Shri Vithalbhai Patel, one of the nation builders of our country. After hearing the speeches of Seth Govind Das and Shri Mukherjee. I feel that I am representing the younger generation of our country. When I read

the golden pages of life of Shri Vithalbhai Patel, I curse myself for having born late—of course it is not my fault—because I missed so many memorable incidents that took place during his life which I could not witness. We also feel proud to know that Shri Vithalbhai Patel is the first elected Speaker of Parliament. When I read the pages of his life sketch, I came to know how he conducted the election and also how he won the election by sheer majority of two votes. But after he became the Speaker of the Assembly when he made the first speech, we could know how impartial he was while conducting the business of the House. On his election to the high office, while replying to the words of welcome extended to him, President Vithalbhai Patel observed :

“In the discharge of my duties, I shall, I assure you, observe strict impartiality in dealing with all the sections of the House, irrespective of party considerations. From this moment I cease to be a partyman. I

belong to no party. I belong to all parties. I belong to all of you.....”

This is the basis of parliamentary democracy he had started.

Sir, by way of paying homage to the first and the best parliamentarian of our country, on behalf of our party I want to say a few things about his achievements as a Speaker of Parliament. After he became the Speaker of Parliament he first abolished the ceremonial function performed at the time of Viceroy's entry into Parliament and the Governor General addressing the House. He also abolished the system of vacating the Chair and offering the same to the Viceroy who would then address the House. He followed the practice of first occupying the Chair himself and then asking the Viceroy to address the House. He also changed etiquette or the manners followed by the Speaker and he also changed the system of dressing that was followed by the Speaker. He refused to wear wig and also

the gown but he wanted to wear the dress in pure *Khaddar*. I read from his autobiography that for preparing the gown, he was given a *sari* by Shrimati Sarojini Devi. Such a way he changed even the dress.

While paying the homage to Shri Vithalbhai Patel I want to quote one of his very important principles. As our revered leader Anna gave three gospels not only to his own followers but to all the people of the country—dignity, duty and discipline—Shri Vithalbhai Patel also gave a gospel, that is impartiality to the entire citizens of this country to follow parliamentary democracy.

With these words, on behalf of the D.M.K. party I also join others in paying homage to Shri Vithalbhai Patel, the first and the best parliamentarian of our country.

Thanking You,

**श्री श्यामनन्दन मिश्र :** आदरणीय अध्यक्ष महोदय, आदरणीया प्रधान मंत्री जी और आदरणीय मित्रो, यह कोई रस्मी बात नहीं, दिली बात मानिये कि मैं इसे बड़ा सौभाग्य मानता हूँ कि आज एक विशिष्ट व्यक्ति के चरणों में श्रद्धांजलि अर्पित करने का मुझे मौका मिला है। आज जिस महान व्यक्ति की जयन्ती हम मना रहे हैं, बल्कि यों कहिये जन्मशती मना रहे हैं, वह एक ऐसी विभूति की है, जिस की एक शती नहीं कई शतियां, कई जन्म-शताब्दियां मनाई जाएंगी। आज हम इस समय के उस बिन्दु पर खड़े हैं जबकि एक जन्मशती मना रहे हैं लेकिन हम भारतीय परम्पराओं को ध्यान में रखते हुए हम यह विश्वासपूर्वक कह सकते हैं कि इन की दूसरी जन्म-शताब्दी भी मनाई जाएगी, तीसरी भी, चौथी भी और सहस्रों जन्म-शताब्दियां मनाई जाएंगी।

हम अपने देश में उन्हीं की जयन्ती मनाते हैं, जिन की जय में हम अपनी जय मानते हैं, जिन की जय में हम अपने देश की, अपने समाज की जय मानते हैं और आज जब हम श्री विट्ठलभाई की जयन्ती मनाते हैं, तो उन की जयन्ती में हम अपने देश, अपने समाज की जयन्ती मना रहे हैं और

साथ साथ हम अपनी संसदीय प्रणाली की उच्चतम परम्पराओं की जयन्ती मना रहे हैं, हम अपने अध्यक्ष पद की उच्चतम परम्पराओं की जयन्ती मना रहे हैं। इसी भावना से हम लोग आज यहां इकट्ठे हुए हैं और मुझे तो लगता है कि उनके जन्म के सौ साल के बाद जब हम आज यहां पर एकत्रित हैं तो इस बात की घोषणा करने के लिए ही हैं कि जब ऐसे महापुरुषों से मौत टकराती है, तो मौत या तो खुद मर जाती है या बहुत घायल हो जाती है क्योंकि वह उन के पार्थिव शरीर को तो ले जाती है, उन के यशः शरीर को जरा भी कम नहीं कर पाती बल्कि वह पार्थिव शरीर से अलग हो कर और अधिक कान्तिमान और द्युतिमान हो जाता है। ऐसे ही व्यक्ति की आज हम यहां पर जयन्ती मना रहे हैं।

हमारे बहुत से भाइयों ने उन के जीवन के भिन्न भिन्न अध्यायों के बारे में जिक्र किया है। प्रधान मंत्री जी ने भी बड़ी खूबी से उन के सभी पहलुओं के बारे में यहां पर चर्चा की। मैं जब इस बक्त यहां पर आया हूं, तो मेरे लिए तो कहने के लिए बहुत कम बाकी रह जाता है लेकिन मैं यह सोचता हूं कि 50, 60 साल पहले जो इतिहास का कारवां

चला था और जिस कारवां के एक छोर पर आज हम लोग यहां पर खड़े हैं, उस कारवां को किन किन कठिनाइयों का सामना करना पड़ा, कितनी मंजिलों को तय करना पड़ा। आज यह सारी बात हमारे दिमाग में आ जाती है। जिस चमन में आज हम सभी लोग बैठे हैं, उस को आबाद करने के लिए कितना खून पसीना बहाया गया था और कितनी कुर्बानियां की गईं, इन सब बातों की याद हमें आज हो जाती है।

एक बात के बारे में प्रधान मंत्री जी ने तो बताया ही है मगर मैं खास तौर पर उस पर जोर देना चाहता हूं कि श्री विट्ठलभाई पटेल एक निरन्तर प्रगति के व्यक्ति थे और उन के जीवन में संघर्ष बराबर रहा। या तो वे अपनी शुरु की परिस्थितियों से संघर्ष करते रहे या उस के बाद स्वतन्त्रता-संग्राम के मैदान में संघर्ष करते रहे और आगे चलकर इस भवन में भी उन्होंने संघर्ष किया। और जब उन को यह मालूम हुआ कि इस भवन की दीवारें शायद उन्हें घेरे हुए हैं, तब उन्होंने इस भवन का भी परित्याग कर दिया था। इसलिए उन की युद्ध-शैली बदली, उन की संघर्ष-शैली

बदली लेकिन संघर्ष उन के जीवन से कभी गायब नहीं हुआ, कभी भी संघर्ष के स्वर क्षीण नहीं हुए और संघर्ष की दीप-शिखा जरा भी मन्द नहीं हुई ।

हम बहुत कम ऐसे भाग्यशाली व्यक्ति पाते हैं जिन के दो भाइयों में से एक भाई की तस्वीर तो यहां पर हाथ जोड़े हमारे सामने अभिमान से खड़ी हो और दूसरे भाई की तस्वीर यहीं पर जो हमारा संसद का कक्ष है, जिस को हम चेम्बर कहते हैं, उस में लगी हो । यह राम-लक्ष्मण की जोड़ी बहुत कम लोगों की मिलती है । यह भी हमारा सौभाग्य है कि एक पितापुत्र की जोड़ी भी हमारे बीच में है । ऐसा बहुत कम देशों में हुआ करता है । तो यह जो सरदार वल्लभभाई पटेल और श्री विट्ठलभाई पटेल की जोड़ी थी, इन दोनों में एक बात तो आप बराबर देखेंगे कि दोनों में एक तरह की चीजें रहीं, किसी में वह थोड़ी मात्रा में थी तो दूसरे में उस की मात्रा जरा ज्यादा थी, लेकिन जब सरदार बारदोली के सरदार थे, तो उस समय विट्ठलभाई जी की आवाज बारदोली के हक में थी और महात्मा गांधी को उन्होंने पत्र लिखा था कि जो भी उस के लिए कुर्बानियां

करने की जरूरत होगी, मैं उस के लिए तत्पर रहूंगा । यह वही हमारा केन्द्रीय एसेम्बली का अध्यक्ष था, जिस ने महात्मा गांधी को लिखा कि हमारी तन्खाह में से 1650 रुपया आप प्रति मास निकाल लीजिए । उस के पहले भी अगर आप जाएं तो नागपुर में भी दोनों भाइयों का नेतृत्व नागपुर सत्याग्रह को प्राप्त था सरदार वल्लभभाई पटेल और श्री विट्ठलभाई पटेल, इन दोनों का नेतृत्व नागपुर झंडा सत्याग्रह को प्राप्त था । तो हम यह देखते हैं कि इन दोनों भाइयों की जो तस्वीरें हमारे सामने आती हैं, उन में संघर्ष भी है और साथ-साथ जो निर्माण की प्रवृत्ति भी ।

आप यह भी देखिये कि जहां वे हमारी भारतीय संसद, आप उस को एक माइने में संसद् कहें या न कहें लेकिन संसद की शुरुआत तो हो ही गई थी, के जो सब से प्रथम निर्वाचित अध्यक्ष थे, वहां साथ ही साथ सरदार पटेल को भी यह श्रेय प्राप्त था कि उन्होंने भारत की एकता के निर्माण के लिए एक बहुत बड़ा कदम उठाया था और उसको उन्होंने बड़ा ही मजबूत भी किया ।

जैसा कि मैंने पहले कहा है कि अभी जब हम लोग यहां पर श्री विट्ठलभाई पटेल की 100 वीं सालगिरह मना रहे हैं और इन सारी बातों को याद करते हैं, तो यह भी हम को याद करना होगा कि इस भवन में जहां बहुत सी ऐसी अमर बाणियां गूंजी हैं, और यकीनन आगे भी गूंजती रहेंगी, उन की उर्मियां, उन की लहरें, उन की आवाजों की लहरें हमारे दिमागों को झकझोरती रहेंगी वहां श्री विट्ठलभाई पटेल ने सब से पहले लोकतंत्र के इस मंदिर में जो अंध्यदान किया था, वह हम कभी भूल नहीं सकते हैं। प्रथम पुष्पांजलि उन्हीं की मानो जाएगी और अगर ऐसी बात है, तो हम सभी को आज प्रतिज्ञाबद्ध होना पड़ेगा कि हम उस मंदिर की आत्मा को कभी भी गायब नहीं होने देंगे, कभी भी उस को कमजोर नहीं होने देंगे और जो हमारी आकांक्षाओं और हमारे आदर्शों की यह मूर्ति है, उस का जो यह मंदिर है, उस में पूरी श्रद्धा के साथ, प्रेम के साथ और पूरे उत्साह के साथ हम उसी तरह से पूजा करते रहेंगे।

हमें यह भी याद रखना है कि श्री विट्ठलभाई पटेल पर कुर्सी कभी हावी नहीं हो पाई। उन्होंने इम्पीरियल लैजि-

स्लेटिव कौंसिल को छोड़ा था जब उन्होंने यह देखा कि वह हमारे पांव में जंजीर बांध कर खड़ी है। उस के बाद उन्होंने अध्यक्ष-पद को भी छोड़ा था, अध्यक्ष-पद को उन्होंने रखा नहीं, उस का उन्होंने परित्याग किया। तो हम सभी को उस निरासक्ति की भावना को भी अपने दिमाग में रखना है, नहीं तो चाहे हम संसद के सदस्य हों या कोई दूसरे हों, जब किसी कुर्सी से चिपक जाते हैं, तो कुर्सी हमारे ऊपर हावी हो जाती है।

इन शब्दों के साथ मैं श्री विट्ठलभाई पटेल के चरणों में फिर अपनी श्रद्धांजलि अर्पित करता हूं।

SHRI H. M. PATEL : Mr. Speaker, Madam Prime Minister,

I am very happy that it was decided to arrange this meeting at which Members of Parliament may have an opportunity to pay their tribute to Vithalbhai Patel one of the most picturesque personalities among the galaxy of greatmen who

took active part in the freedom struggle. Vithalbai is probably not remembered today by the modern generation, although he was unquestionably one of the truly great men who strode, across the national stage fearlessly and selflessly. Vithalbai was a lone fighter. Even though he had joined the Congress and sincerely respected and indeed revered Gandhiji, he was always a suspect. Unlike his great and illustrious brother, he never hesitated to question the party policy, if he felt it was not the right policy. To him Gandhiji's word was never the law as it was to his brother and to a vast majority of his countrymen. He accepted only that which his reason was prepared to accept. It was this quality of his which made it difficult for him to function as a good partyman but which also made for his success as a parliamentarian and as a speaker.

Very early in his life and particularly after he left legal practice and took up public work in right earnest, he took the decision to make it his life's mission to ventilate the grievances of the

poor and down-trodden among whom he included the agriculturists whose lot he was throughout his life most anxious to ameliorate. In this way he was able to help the regeneration of the country as a whole. He learnt the value of the agitational method from Dadabhoi Naoroji. But the content of agitation in his days was vastly different from what it is today. Speaking from the public platform, writing to the Press, and working in the legislatures were the three then time-honoured methods of agitation. He decided to secure the membership of the Legislative Council, Bombay, first, for he felt that from that membership, the other two methods could best be utilised. And he was indeed a most effective member of the Legislative Council in Bombay and later in Delhi. And through these he conducted his campaigns for the country and against the government.

Throughout his legislative career, he was always well prepared and his utterances were always thorough and cogently argued. The Government

invariably found him more than their match, and except when he presided over the Legislative Assembly in Delhi, they indeed valued his participation for his attitude and outlook were invariably constructive. As a speaker, of course, he was a thorn in their side. He was an outstanding speaker. Whatever he achieved was achieved against heavy odds. He almost invariably triumphed over his opponents, the highly placed and powerful bureaucracy and when he found he had made a mistake, he readily accepted it and made amends. His triumphs were not for himself personally but for the dignity of the House and for the rights of the Opposition. He had made himself a master of the rules and procedure of democratic assemblies and within the limitations of those days, in particular in the face of an immovable government, what he was able to achieve was indeed remarkable.

I wonder what he would have thought of the lack of formality with which many of us tend to behave in the House today, for he was a great

stickler for form and for correct behaviour at all times. It is because of the impartial treatment that he meted out to the government benches and opposition alike that he was able to, whenever necessary, call upon senior dignitaries of the government unhesitatingly to comply most rigorously with the rules of the House. He firmly believed that on the observance of the rules depended the safeguards of democracy and democratic behaviour. A great parliamentarian that he was there is much that we may learn from him.

I have no doubt our distinguished speaker must often have sighed longingly for the atmosphere of Vithalbai Patel's days, stormy as they often were, when members on both sides of the House believed in conducting themselves with dignity and decorum, even when the speaker's rulings went against them, or displaced them.

We today live in an atmosphere in which as happened only today a member asked the Speaker

to direct members to comply with the rule which requires them to remain seated when the speaker is on his legs, and the speaker had to point out gently to the member concerned to practice complying with the rule himself first.

We as members of Parliament may with justification take pride in the fact that men of such eminence as Vithalbhai Patel and G. V. Mavalankar have presided over our deliberations and have conducted them with such competence, fairness and firmness and have laid down such sound rulings and evolved such conventions that despite many shortcomings, of course, our Parliament has come rightly to be regarded among the best regulated democratic assemblies.

It is well that we are honouring so great a man today.

**SHRI MADHU DANDAVATE :** Mr. Speaker, Madam Prime Minister and the Members of the Parliament,

When I came for this evening's function, I found a strange coincidence of the arrangement of portraits on the wall. We have Gandhiji's portrait at the back, we have Lokmaniya Tilak's Portrait on the right and we have Vithalbhai Patel's Portrait here at the centre. This is an aesthetic expression of the political reality that late Vithalbhai Patel was a bridge between the Tilak era and the Gandhi era. He symbolised the best of the values of both these leaders and he reconciled those values in his own way in his life. Vithalbhai Patel was a great stalwart of our freedom struggle and our democratic life, when I refer to his democratic life and his participation in the democratic life, I want to draw your attention to the fact that both at the gross-root level and also at the apex, he participated in the

experiment of democracy. Many of us have forgotten that just as he was the first President of the Central Legislative Assembly he was also the first citizen of the great City of Bombay. I, coming from the City of Bombay, take great pride in finding that Vithalbhai Patel was the first citizen of our City and he made a valuable contribution to the democratisation of the Municipal Corporation in Bombay and those traditions of that great august body are carried forward today. Very often, about parliamentarians, it is said that if one has the best eloquence and if one has the best intellectual integrity, one is supposed to be the best parliamentarian. But, it is forgotten that along with intellectual calibre and clarity of mind and democratic temper what is needed is also fearlessness, fearlessness even before authority. He set certain traditions. Today, we find that in our Joint Sessions, when President addresses the House, the Vice-President and Speaker are also seated on the same rostrum and dais. But, remember, there are traditions behind that. There was a time, when Viceroy came to the Hall, all

other dignitaries had to get down and sit with other Members of the Parliament. But here was a towering personality who said, "I do not come here only as an individual of Vithalbhai Patel, but I represent the sanctity and dignity of Parliamentary democracy and even the Viceroy has to pale into insignificance before the dignity and decorum and the great traditions which the Speaker and President of the Assembly carry with them." It is these traditions that are carried forward today; these are the great traditions which we have to carry forward.

I am also reminded of the fact that he occupied the highest office of the President of the Assembly at a time when great luminaries of our parliamentary life were also Members of the Parliament & Members of the Legislative Assembly. When Vithalbhai Patel was occupying the presidential post in this Legislative Assembly, towering men like Pt. Madan Mohan Malaviya, Motilal Nehru and great men of calibre like Setalvad and Jinnah, all of them were Members

of the House. When I look at that composition of the Legislative Assembly, I am very much reminded of a beautiful poem in Sanskrit. He was a great parliamentarian, a towering personality occupying the Presidential Chair in the Assembly, and great luminaries of our parliamentary life were occupying the Chairs in the Parliament. They added to each other glory and dignity. When I look at this picture, I am reminded of a beautiful poem in Sanskrit.

शशिना च निशा निशया च शशि,  
शशिनां निशया च विभाति नभः ।  
पयसा कमलम् कमलेन पयः,  
पयसा कमलेन विभाति सरः ॥

The beautiful poem says :

शशिना च निशा

It is the moon that adds to the lustre of night and it is night that adds to the lustre of moon and

both add to the beauty of the sky. It is the lotus that adds lustre to water and it is the lustre of water that adds shining glory to the lotus; and it is the lotus and water that add a new beauty to the lake as a whole. Similarly, in the same vein and in the same emotional strain I can say that as far as Vithalbhai Patel and great luminaries like Motilal Nehru are concerned, great Vithalbhai Patel added to the lustre of those great luminaries of the parliamentary life and they in turn added to the glory and the dignity and the prestige of President, Vithalbhai Patel; and both Vithalbhai Patel and Motilal Nehru and all other dignitaries of our life, together added glory to the Parliament.

That glory is being carried forward today. This is the real tradition and this is the glory of Vithalbhai Patel; and I think it is this that we have to carry forward. I have not the least doubt that these traditions which have been laid by Vithalbhai Patel, will be carried forward in the atmosphere of freedom in which we are living, and also

in the atmosphere of our democratic life. If that is done, that is really the tribute that can be paid to Vithalbhai Patel.

In the end, I will only say this much that no memorial of Vithalbhai Patel can be built,—statues of bronze or of marble. If there is to be one memorial—and that memorial will be a lasting memorial of Vithalbhai Patel—that memorial is the survival of a democratic way of life in our country and the institution of parliamentary democracy in the country which, amidst all our differences, has survived the trial and test of our time. When there is an encirclement of so many types of dictatorships in Asia, it is India that has preserved parliamentary democracy and so long as the Parliament of free India survives and the parliamentary institutions survive, there shall survive the memory, the shining memory of Vithalbhai Patel. That alone can be the real tribute to the memory of Vithalbhai Patel.

**SHRI P. G. MAVALANKAR :** Esteemed Mr. Speaker, Esteemed Madam Prime Minister, other Esteemed Elders, and other Distinguished Members of Parliament,

I think, when we have assembled in this Hall, historic as it is, this evening, we are celebrating a truly great and significant occasion. We are saluting a person who was great in many ways, a born Parliamentarian, an undaunted patriot and a dedicated public worker. It is such a man that we are saluting today and we are renewing the pledge that we shall carry forward the torch of independence and integrity in public life and in parliamentary life, which the late President Vithalbhai Patel did so much to illumine when he was the President of this august House.

Mr Speaker, Sir, you are aware that President Patel fought for independence and supremacy of Parliament at a time, when things were adverse

and indeed at a time, when there was neither a responsible nor a responsive Government. But, he could carry out his mission not only because he had great faith in Parliamentary democracy, but, he could carry out his mission because he was fearless; he believed in the people's welfare and in the people's faith in democracy. Of course, he was, first and last, a born free individual. He prized his freedom and he prized the people's freedom.

He had foremost and fervent faith in Parliamentary institutions to carry forward people's welfare. He was also independent and upright; unbending in principles and in the values of democracy. What is most important, Mr Speaker, Sir, President Vithalbhai Patel stood erect in the face of executive arrogance of those days.

It is these qualities which we admire in him, and it is these qualities, even in the changed circumstances, we wish to continue to admire, in our Parliamentary life, whether at the Federal

level or at the State level.

Sir, in conclusion, May I, with your permission, read out a short paragraph from a very interesting and studied book, entitled 'The Office of the Speaker', by one Mr Philips Laundry. He says this about our great Vithalbhai Patel. I quote:

"Since Vithalbhai Patel had been elected by the Assembly in opposition to a Government nominee, he was able to claim that he was responsible to the Assembly and to no other authority. He asserted the complete independence of the Chair from the influence of the executive, and although he frequently came into conflict with the Government in the process, the principle was conceded before his tenure of office came to an end in 1930. He made some impressive gains during his occupancy of the Chair... He successfully asserted the authority of the President of the Assembly over the maintenance of order and security within the precincts of Parliament and he demanded

that the staff of the Legislative Department should be brought under the direct control of the President.”

Sir, while I conclude, I want to salute once again and I want to tell you, Mr Speaker, Sir, how greatful I feel today in being able to stand before this distinguished audience of prominent elders to pay my respectful homage to India's first elected greatest President, who would stand

comparison with any Speaker anywhere in the world.

With these words, May I say that let Vithalbhai Patel's great and sacred memory inspire us to walk on our path with independence, integrity, as also with utmost humility.

Thank You.

CORRIGENDA TO  
 "Vithalbhai Patel Birth Centenary 1973 -  
 A Souvenir"

Page	Col.	Para	Line		
(iii)	-	-	Last line	<u>After</u> Parliament	<u>Insert</u> 'House'
13	2	-	15	<u>For</u> 'Notes'	<u>Read</u> 'Noes'
16	2	-	21	<u>For</u> 'Foresightendness	<u>Read</u> 'Foresightedness'
21	2	-	9	<u>After</u> 'held'	<u>omit</u> 'in'
21	2	-	10	<u>After</u> 'Delhi'	<u>Insert</u> 'in'
25	1	-	21	<u>After</u> 'elected'	<u>Insert</u> 'to'
53	1	-	7	<u>For</u> 'pricincts'	<u>Read</u> 'precincts'
54	2	-	5	<u>For</u> 'Federick'	<u>Read</u> 'Frederick'
60	1	-	13	<u>After</u> 'authority	<u>Insert</u> 'of'
107	2	-	9	<u>For</u> 'question'	<u>Read</u> 'questions'
111	1	-	3	<u>For</u> 'Sugegstions'	<u>Read</u> 'Suggestions'
139	2	-	6	<u>For</u> '13-15'	<u>Read</u> '112-115'
139	2	-	13	<u>For</u> '17-22'	<u>Read</u> '13-16'
147	Appendix II		Last line	<u>After</u> 'Parliament'	<u>Insert</u> 'House'
151	1	2	3	<u>For</u> 'non'	<u>Read</u> 'none'
156	1	2	5	<u>For</u> 'outomoded'	<u>Read</u> 'outmoded'
169	2		10	<u>For</u> साथ साथ जो निर्माण की प्रवृति भी	<u>Read</u> साथ साथ निर्माण की प्रवृति भी।