

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Saturday, 18th December, 1954

The Lok Sabha met at Eleven
of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

RESIGNATION OF SHRIMATI VIJAYA LAKSHMI

Mr. Deputy-Speaker: I have to inform the hon. Members that Shrimati Vijaya Lakshmi Pandit has resigned her seat in the House with effect from the 17th December, 1954.

RESOLUTION RE: REMOVAL OF SPEAKER

Mr. Deputy-Speaker: There is a Resolution on the Order Paper. Shri Vijñeshwar Missir.

Shri S. S. More (Sholapur): May I crave your indulgence to move it. I am one of the signatories.

Mr. Deputy-Speaker: Is not Shri Vijñeshwar Missir here?

Shri V. Missir (Gaya North) rose—

Several Hon. Members: Then let him move it.

Mr. Deputy-Speaker: I am only considering: before I ask hon. Members to rise in their seats, I would like to know some facts relating to this. Now

this is a Resolution, and a Resolution has to be specific, not vague, or indefinite. There are charges for removal: they are all vague. How is the House to address itself? What are the incidents leading to it? They have not been given. I would like to know how this Resolution is admissible.

Shri Raghuramaiah (Tenali): Mr. Deputy-Speaker, I wanted to rise on a point of order. But you were good enough to point it out yourself.

No doubt, removal of the Speaker who does not enjoy the confidence is one of the privileges of this House under Article 94. But Article 94 merely refers to a Resolution. It does not say what the contents of the Resolution should be. The contents of the Resolution and the manner of its entertainment by the house are matters of procedure, wherein we have to be guided entirely by the Rules of Procedure. I would like to draw your attention, Sir, to Rule 191 which lays down what a Resolution should contain and what it should not. I would draw your pointed attention to clauses (i) and (iii). (i) says:

"the Resolution shall be clearly and precisely expressed."

(iii) says:

"it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;"

When I read this Resolution, I feel that it offends, and offends gravely, both clauses (i) and (iii). Taking clause (i) first, we have to see whether the Resolution before us is

[Shri Raghuramaiah:]

clear and precise. With your permission I shall read the Resolution—

"That this House, having taken into consideration the conduct of the Speaker of the House as regards giving his consent to adjournment motions, disallowing questions, etc., feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House;"

It is well-known matter perhaps, not in one sense, that a Resolution expressing want of confidence in a Speaker and for his removal....

Shri N. Sreekantan Nair (Quilon cum Mavelikkara): On a point of information—what is going on in the House? We do not know. He has not raised any point of order.

Shri Raghuramaiah: The point I wish to raise, as you yourself have explained it, is that it is not precise.

Mr. Deputy-Speaker: The hon. Member has referred to the rule—No. 191(i) according to which a resolution should be precise and definite. That is what he is developing.

Shri S. S. More: May I seek a clarification from you?

Mr. Deputy-Speaker: Let him state the point of order.

Shri Raghuramaiah: I am explaining the point of order. The first portion of the Resolution refers to his giving his consent to adjournment motions, disallowing, questions, etc. It is if I may say so, not only not precise, but grossly vague. There have been thousands and thousands of questions and adjournment motions. Of late, it has almost become a fashion to move adjournment motions day in and day out. (Interruption).

Mr. Deputy-Speaker: The hon. Member need not make any speech at this stage. Whoever raises a point of order has to state his point and

just refer to one or two points to show how the point of order is relevant and proper.

Shri Raghuramaiah: I am coming to that, Sir. The reference to adjournment motions and disallowance of questions is very vague. The Resolution should have specified the particular adjournment motion, or the particular question in respect of which there has been that misconduct, or want of proper conduct, as the case may be.

The second portion of the Resolution is still worse. It contains arguments, inferences, ironical expressions, imputations and defamatory statements as is referred to in clause (iii). With your permission, I shall draw the attention of the House to the particular contents of the Resolution—

"that in his partisan attitude he disregards the rights of Members of the House and makes pronouncements and gives rulings calculated to affect and undermine such rights; that he openly espouses the version of the official spokesmen on all controversial matters as against information supplied by other Members of Parliament;"

Well, Sir, it is an argument, it is an inference and it is an ironical expression.

The Resolution runs—

"that all these acts constitute a serious danger to the proper functioning of this House and ventilating effectively the felt grievances of the people,...."

If I may humbly submit, Sir, having regard to the functions of the Speaker as the guardian of this House, this is the vilest defamatory statement that could be made against the Chair, and in that view I submit that the Resolution offends Rule 191(i) and therefore, is out of order.

Pandit Balkrishna Sharma (Kanpur Distt. South cum Etawah Distt.—East): Mr. Deputy Speaker, may I be permitted to....

Some Hon. Members: Order, order. What does he want to say.

Pandit Balkrishna Sharma: I want to say something which you will know very soon.

Mr. Deputy-Speaker: Order, order. I would like the proceedings to be conducted in as orderly a manner as possible. If I am unable to control the House I would request some hon. Members to control the House on my behalf. Till then they need not open their mouths, nor call any hon. Member to order. I shall do so.

Pandit Balkrishna Sharma: I only wanted to say something in support of what my hon. friend said. There are certain precedents of the House of Commons and those precedents tell us as to how a motion which is placed before the House in regard to the conduct of the Chair should be worded. I only wanted to place one or two precedents before the House in order that the House may know that no vague motions can be admitted and the motion that is before the House is of a vague character, and therefore, on the face of it is inadmissible.

Mr. Deputy-Speaker: Does it relate to the removal of the Speaker?

Pandit Balkrishna Sharma: Yes, Sir.

I would like to place before you one motion which Captain Wedgwood Benn moved in the House of Commons and it was worded like this:

"That, in view of the express provisions of Standing Order No. 26, for the protection of the rights of minorities, this House regrets the action of Mr. Speaker on the 25th May, 1925, when, contrary to recent precedents, he granted the Closure at 11-45 p.m. on the first day's Debate on the

Motion for the Second Reading of the Finance Bill."

Here we find what exactly the Member wanted and the House also was aware of the definite charge that was laid at the door of the Speaker in regard to his conduct. Here, his Resolution does not mention a single instance of such conduct on the part of the Speaker. Therefore, this Resolution is of a vague and indefinite character and therefore, it must be ruled out of order.

Again there was a motion against the Chairman of the Ways and Means Committee—the Deputy-Speaker in the House of Commons. Here also the charge was very definite and instances were mentioned. If you would permit me I would read the motion which was moved by Mr. Quintin Hogg, an hon. Member from Oxford and it was like this: "That, in the opinion of this House, the conduct of the Chairman of the Ways and Means on the 5th of April 1949 in refusing the hon. Member for Norwich to withdraw a charge of accusation publicly confirmed by the hon. Member that an hon. Member of the Opposition had been guilty of lying accusation was wanting in the impartiality required for the discharge of his office.....". Here again, as you will see, a particular instance was mentioned. From the Resolution which is before us we do not know what the charges are and therefore, this sort of Resolution should not be held in order.

The third point, I wanted to mention before you is that certain precedents and conventions had to be established here, in this House. This Resolution has been brought before this House without any reference to the Leader of the House or to the Speaker himself. As a matter of fact, if any of the hon. Members of the House were not satisfied with the conduct of the Chair it was their duty to approach the Leader of the House and place their grievances before him.... (Interruption.)

Mr. Deputy-Speaker: Hon. Member is making a point. According to him, these things should have been done.

Shri S. S. More: Mr. Deputy-Speaker you called me already to make my submission and it was a sort of interruption through that which he wanted to draw your attention to. But he has started a full fledged discussion of the question in spite of the fact that you were kind enough to call me.

Mr. Deputy-Speaker: I have no objection. I originally thought that it was an interruption and I thought I should allow him some time, a minute or two. Then, when I found that he was referring to some precedents of the House of Commons wherein similar motions with regard to the removal of the Speaker or the Chairman of the Ways and Means Committee specific charges were made, I thought that he would make a reference to *Hansard* to support his statement that unless there is a specific charge, you cannot go into this Resolution. That will help us. That is the very point that I wanted to know having regard to Rule 191 (1). This is apart from any defamatory or other statements. If I allow Shri More to speak immediately, he may not have another opportunity to say about these things. I wanted to hear on this point so that whoever supports this Resolution may bear all the other facts in their minds with regard to vagueness or indefiniteness. It is for that purpose that I allowed Mr. Sharma to speak. Evidently, he wants to raise another point also; namely, this Resolution has been brought forward without reference to the Leader of the House. It is for the House to decide if this is also a matter which, according to him, has to be taken into consideration.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Since my name has been brought in, I would say that I take no objection to anything. If I have a chance, I shall say something about this matter. This matter is too serious a matter to be dealt with in a trivial manner or on legal technicalities. We attach great importance to

this matter and we propose to see it through... (*Interruptions.*) In this matter, not only the future of the House is concerned but the future of the working of this House and the future democratic set-up of this country are concerned and more particularly whether the Opposition behaves decently or not in future. We have had enough of this kind of quibbling and strong language being thrown about... (*Interruptions.*) I do not sit down. I do not give way. (*Interruptions.*) I do not tolerate this kind of thing; I am not giving way.

Acharya Kripalani (Bhagalpur cum Purnea): Even when an objection is raised, may I say that there ought to be courtesy in one's language? One can be as strong as he wants to be and yet be courteous. We are here as representatives of the people and we are entitled to consideration—as much consideration as any hon. Member in this House. I submit that if there is heat on one side, there will be heat on the other side, I respectfully submit that heat may be avoided.

Shri Jawaharlal Nehru: I entirely agree with the hon. Member and I wish he had borne this point in mind before he signed this Resolution.

Shri V. G. Deshpande (Guna): That is a constitutional right.

Shri Jawaharlal Nehru: There are certain standards of behaviour and these standards, apparently the Opposition think, do not apply to them

Some Opposition Members: It is very unfair.

Shri Jawaharlal Nehru: The first and foremost standard of behaviour is to remain quiet when others are speaking; I would not interrupt them when they speak.

Acharya Kripalani: We do not denounce anybody here and we take strong objection to this. We had not

said that we are not going to tolerate the Congress. What is the meaning of anybody tolerating us here? We are here by our right. It is no use using a language, which is highly objectionable, by the Leader of the House. I think we are not here to be tolerated by anybody; we are here by the will of the people as much as anybody else.

Dr. Lanka Sundaram (Visakhapatnam): On a point of Order, Sir. It is for you now to decide. A reference was made to rule 191(1) about the language of the Resolution. I invite your attention to rules 218 and 219. Is this Resolution on the Order Paper to be moved under rules 218 and 219, or under rule 191(1) which says generally about resolutions. That is the point; the merits can be gone into later.

Shri S. S. More: May I make a submission? Unfortunately, because I have not got a strong voice, I could not be heard. I am one of the signatories to the Resolution and I would submit that patriotism and sense of responsibility could not be the monopoly of any single party in this country. I quite agree with the Leader of the House that we are as much interested in the democratic set up in this country...

Mr. Deputy-Speaker: Let us confine ourselves to the point.

Shri S. S. More: Certain objections were first raised by you and then by some other hon. Member in support of what you said about this Resolution. A particular chapter was first referred to and you were kind enough to refer to rule 191. A special procedure has been provided and as an eminent lawyer you know that when a special procedure is prescribed for any particular action, then the general provisions or general procedure stand abrogated as far as that matter is concerned.

I would like to draw your attention to a particular article of the Constitution—article 94, Mr. Sharma and others referred to some practices of

the British Parliament. May I bring to your notice and to the notice of the House that the House of Commons is not governed under a written Constitution? We are governed by a written Constitution. Wherever our Constitution lays down a precise term or a particular procedure or practice then the precedents from the House of Commons or elsewhere have no application. Our Constitution makers—you were one of those and most of the hon. Members on the other side were also there—had definitely laid down a procedure under certain articles. They did contemplate that in spite of the august position of the Chair, occasions may arise when people might be aggrieved. What is the remedy? The only remedy contemplated by the Constitution was under article 94—they should table a resolution for his removal. Article 94 does not lay down a particular form for that resolution. As there is an article, it supervenes even the Rules of Procedure. Therefore, I would say that the only article which can relevantly command your attention and consideration is article 94. It only says there might be a resolution for the removal of the Speaker. It does not say for grounds stated or for particular grounds to be mentioned.

Then it was said that a convention ought to be established for seeking the permission of the Leader of the House. I would bring to your notice that under the old Government of India Act, 1935...

Mr. Deputy-Speaker: The hon. Member will answer one point. It is true that under article 94 no ground is stated, that is as when a Speaker is elected no arguments are addressed.

An Hon. Member: Order, order. Sit down.

Mr. Deputy-Speaker: It is all right. I am not standing.

Shri S. S. More: I am entitled to stand. The Chair is not standing.

Mr. Deputy-Speaker: Order, order. I can manage the House.

[Mr. Deputy-Speaker]

No grounds are set out there as in some other articles relating to some other high dignitaries. Does the hon. Member contend that as when a Speaker is elected no grounds are set out and the majority elects the Speaker, likewise straightway I must put it to the vote of the House asking the vote of the House one way or the other, merely because there are no grounds under article 94? Is that the meaning?

Shri S. S. More: I would very humbly try to state the point. There are two stages as far as the procedure is contemplated. First, I do not know how we can go into the merits of this Resolution unless leave is granted. For that purpose there is a special procedure provided, rule 218. Now a Resolution is put on the Order Paper, but the House is not yet seized of the matter, unless leave is granted for it. As a matter of fact we are going much ahead of the schedule as prescribed by the Rules of Procedure.

So I would seek your indulgence. Of course on the merits it is quite possible to retaliate heat by heat and we are quite capable of it. I accept what you say...

Mr. Deputy-Speaker: How is the House to address itself? There are thousands of questions since the Speaker assumed office, hundreds of adjournment motions. Am I to allow any hon. Member to refer to any adjournment motion which according to him is relevant and thus exhaust all the adjournment motions? Is it not necessary for the House to know what exactly they are, one, two, three, among the various adjournment motions?

Shri S. S. More: With due deference to you, Sir, I fear we are entering into the merits of the matter.

Mr. Deputy-Speaker: It is not the merit.

Shri S. S. More: I will try to meet, as far as I am capable of, your point. Here certain stages of procedure have

been laid down and they have to be categorically observed. Unless leave is granted even the Chair will not be competent to rule it out of order. Because only a valid motion which is given according to a certain procedure before the House can be said to be a motion in possession of the House, and the Speaker or the Chair gets the right to knock it down on certain technical grounds.

My submission to you and to the House will be that under the old Government of India Act, 1935 there was no specific provision like this article 94, and a certain provision was made under the Rules of Procedure and Standing Orders. You, Sir, were there at that time. A resolution was moved, a sort of no-confidence resolution was moved, and Sir Abdur Rahim was in the Chair and he ruled out that it was not a matter of statute as it was a matter of rules and certain rules applied to the way how resolutions were to be sponsored and introduced in the House. He said that under rule 24-A the permission of the Leader ought to be sought and only on such permission the resolution of no-confidence can be taken into consideration. I will refer, with your permission, to the *Decisions of the Chair, 1941-1945*, page 67, item 442:

"On the 20th November, 1944, Mr. Kailash Bihari Lall gave notice of the following motion"—I do not know the history of this Kailash Bihari Lall, but I assume he was a Congressman, and he gave notice of the following motion—"That this Assembly has no confidence in the President". A reply was sent to him that under Rule 24-A of the Indian Legislative Rules, he was required to obtain the consent of the Government Member concerned and the President to the moving of this motion. On the following day when he enquired in the House as to who was the Government Member con-

cerned, the Chair replied that it was the Leader of the House whose consent had to be obtained."

This is reported in Legislative Assembly Debates dated 21st November, 1944. I have cared to read the original proceedings, and to some extent they were extraordinary proceedings. There, there was no particular section in the Government of India Act. They had to fall back on the Rules of Procedure, and this sort of no-confidence resolution was treated like any other resolution coming up for discussion, and therefore it was said that under this particular rule, Rule 24-A, the consent of the Leader was required.

I would humbly beg to bring to your notice that there is no other provision, no other rule, either in our Rules which are the handiwork of the Speaker himself, or in the Constitution which was deliberately enacted. And when they enacted, rather legitimately assuming, they took into consideration all the past instances.

My submission is we are controlled by article 94. Article 94 says that the resolution shall be moved. We would not have—I can assure on behalf of all of us that we would not have—gone to the extreme limit of moving a resolution for his removal if we could have some softer remedy available. But looking to all precedents we came to the conclusion that if we try to pedal softly looking to the dignity of the House, then it might be said to be out of order, and we were left no other course under article 94. It is time for the Leader of the House to consider whether even that article should be amended or not along with other articles. But as the position stands according to the Constitution and the Rules of Procedure, I would say that even the special rules, 218 and others under that particular chapter, do not prescribe any form, do not prescribe any content.

Let us fall back on the Civil Procedure Code. A plaint has to be filed. A plaint does not contain all the evi-

dence available. You have to make a particular case for assertion of the facts, and as evidence goes on to be recorded all these facts come to be proved or not proved.

I would say at this particular moment—I share the sentiments of the Leader of the House that it is too far a serious matter to be knocked out on legalistic grounds. Let us have our chance. As far as the Chair is concerned it is competent to command our highest respect. But the Opposition Members also have their own grievances, and just like other grievances our grievances could not be brought to the notice of the House, nor to its august Leader by any other means than by this so-called extreme measure.

So my submission to you will be that as far as the legality of the matter is concerned we are shielded by the particular article of the Constitution and the special Rules of Procedure which have been devised. As regards parliamentary precedents, when there is a special provision in our Constitution we need not seek some light from the Eighteenth or Nineteenth Century, because the light of the Constitution is quite strong enough for us to guide our steps.

Shri Jawaharlal Nehru: Just one word. Perhaps you will permit me, Sir, to say a few words which may perhaps shorten this debate on this particular point.

First of all, my hon. friend who just spoke said, argued at some length, about the Leader of the House being consulted or not. If I may say so with all respect, it was totally unnecessary for him to argue the point; because that point does not arise at all. I do not claim at all that the Leader of the House should be consulted, that he should as of right be consulted. It is another matter his being consulted as of discretion, courtesy or propriety. But as of right the question, does not arise. That question does not arise at all.

[Shri Jawahar Lal Nehru]

In regard to other matters that have been raised by some hon. Members on this side, that is so far as the legality is concerned and I do not wish to express any opinion, it is for you, Sir, to express. But I would submit to you that in matters of this kind and having come thus far it would be unfortunate if they are dealt with in a legalistic manner, whatever the view might be. I think that it is better, when a certain section of the House has presumably a feeling that way and has brought a certain motion of this kind before the House, and it seems to me desirable, that the matter should be dealt with in the normal way, and no doubt left in the public mind, by some legal decision, as to what the views of the House may be. Therefore, so far as I am concerned,—I speak now, if I may for the moment functioning as the Leader of the House,—I think that, in the interests of the House, when once such a matter is brought up, it should be disposed of unless there is any legal bar of which you are the judge. Therefore, I would beg these hon. Members with whom my words may have some weight, not to press any legal objections.

Shri Raghavachari (Penukonda): I wish to submit that I am supporting the arguments of my friends who have spoken already. In addition, I wish to say that even if it is the contention of the Members who have raised the point of order that it is an ordinary motion and it is Rule 191 that applies, I would request your attention to Rule 192 which says that the Speaker shall decide on the admissibility of a Resolution, and may disallow....etc. Later on, you will please see Rule 194 which says, a Member in whose name the Resolution stands in the list of business.... etc. So, this question whether it is in conformity with the particular Rule, should be deemed to have been decided by the Speaker before he admitted the Resolution. Once it has been admitted and it is in the Order Paper, Rule 194 should apply and

even on that basis, it is in order. It cannot be raised again.

Pandit Thakur Das Bhargava (Gurgaon): May I, with your permission, make a few submissions?

Mr. Deputy-Speaker: I have heard enough on this matter.

Pandit Thakur Das Bhargava: I have to make an important submission. I am at one with Shri S. S. More on the question of the sanction of the Leader of the House. We have got a Constitution and we are bound by the Constitution. Under the Constitution power has been given to Members or to group of Members to table a motion of this kind. Apart from that, though I am moved by the appeal of the Hon. Leader of the House and I accept his lead and do not want to raise any legalistic point, because the matter is serious, at the same time, it is a matter of future guidance also.

Shri S. S. More has just now called the attention of the House to a section in the Civil Procedure Code. I would humbly call the attention of the Chair to a provision of the Criminal Procedure Code. On every motion of this sort, we cannot have a roving and rambling discussion and we must have specific instances on which the charge of partiality is based. Unless specific things are before the House, it will not be doing justice to the House, and we cannot take an objective view. We cannot go into all the 90,000 questions and hundreds of motions which have been made so far during all these years. I am not submitting that the Resolution may not be allowed. The Resolution may be allowed as it pleases you. But, I am very anxious that specific points should be made in this House and they must be known to the House. How can you or how can any person on earth meet the charge of partiality unless specific cases are mentioned? I do not accept the proposition that the general rules relating to the business of this House are abrogated, because, as was con-

tended by Shri S. S. More, a specific procedure has been suggested. These Rules are made under the statute and while considering the Resolution we are bound by certain rules. So, the rules relating to Resolution have got applicability. Unless the Resolution is clearly worded, and it is not vague and it is definite, it is not fair to the House to ask us to make our submissions or discuss the matter. I beg to submit that either at this stage or at another stage, we must know what really the charges are, what the specific instances are so that we may be able to meet them. This is not a legalistic question at all. It is not a question of substance and procedure also. It is a question of well established practice. In any case when a charge is made against a person, the specific date and specific incidents are given. Is this less than a charge? It is a very serious matter. I would therefore beg of you to see that specific charges are made so that they can be met. On a roving or rambling motion of this sort, it is very difficult to have a fair discussion.

Shri V. G. Deshpande: May I make a submission?

Mr. Deputy-Speaker: I have heard enough.

Regarding this Resolution, a point of order was raised that it is not admissible under Rules 191(1) and 191(3). Sub-rule (1) of Rule 191 says:

"it shall be clearly and precisely expressed;"

Sub-rule (3) says:

"it shall not contain arguments, inferences, ironical expressions, imputations... etc."

Regarding sub-rule (1), the details or instances or facts on which arguments could be based for the rejection or for supporting this Resolution have not been given. They are general in terms. Taking questions, it is the privilege or the duty of the Speaker to admit or disallow questions. Therefore, when he has had to look into more than 30,000 questions during

the course of a session or since his assumption of office, unless attention is drawn to particular questions which have been disallowed from which the House can be asked to draw an inference that it was on account of partiality or for one or the other of the reasons which are set out as grounds for his removal, it will be impossible for the House to consider those matters. It will be a rambling discussion. We won't come to a particular point. Thirty thousand questions cannot be taken up one after another. One hon. Member can refer to one question and another hon. Member to another question. To meet the case, that question or other questions may be referred to. Therefore, it is necessary that specific instances 1, 2, 3, 4, regarding questions or adjournment motions should be given so that the objections raised can be met, or any inference that he is guilty of partiality can be drawn.

That is one thing. This was met by the argument that special Rules of Procedure have been laid down in Rules 219 and 220 relating to the removal of the Speaker and that when specific provisions have been made, the general provisions relating to Resolutions ought not to apply. Rules 218 to 220 also form part of the same rules which have made provisions for Resolutions. All the rules have to be taken together. As a matter of fact, rules 219 and 220 do not refer to any time limit. Am I to allow any hon. Member to go on speaking on the Resolution indefinitely? The hon. Member will have to be allowed 15 or 20 minutes only. Wherever provision is not made, unless a provision is inconsistent, that other provision under the rules ought to be applied. It is not at every stage that all rules will be made. The rules as to Resolutions will be added to every other matter. I do not find any force in that argument.

Article 94 of the Constitution has been referred to for the purpose of showing that no grounds need be set out. If we strictly go by article 94, no ground need be set out and

[Mr. Deputy-Speaker] straightaway. I will have to put the question to the House as to whether the Speaker ought to be there or not irrespective of any particular point. As, at the time of the election, no arguments are addressed, likewise, this is a reversal of the election process and as soon as a Resolution is tabled, without any ground whatever, the question will be put and as things are decided by the majority, if the minority has become the majority against a particular Speaker, they can remove him. That would be the regular and logical meaning of article 94. But, there is a later article where it is said that if the Speaker chooses, he can participate in the proceedings. Therefore, it is necessary for the House to consider as to how the Speaker ought to be removed. Unless he knows what are the charges which he has to answer, it is impossible for him to answer. Therefore, it is not a matter of technicality; it is a matter of substance. It will be just and necessary for the hon. Members here to consider the pros and cons before they can come to conclusion. This analogy of the Criminal Procedure Code need be drawn upon. Principles of natural justice require that when something is attributed against some one, he must be made to know what are exactly the points, and in what particulars he has offended. Now, therefore, that is the vital objection.

Shri Raghavachari said that I have already admitted it, and therefore it is too late and I cannot go behind it. But I have not yet admitted it. I have merely put it on the Order Paper here, for the purpose of my coming to a conclusion. Before I admitted, I wanted to hear the hon. Members who have sponsored it; I did not want them to come to my Chamber, and have a discussion with me. I wanted to know how this is admissible.

Shri V. G. Deshpande: But you have not allowed me to speak. I am also a signatory to that Resolution.

Mr. Deputy-Speaker: I cannot allow all the Members. When I wanted Shri V. Missir, whose name appeared first, to speak, Shri S. S. More said that he would speak. So I thought he was speaking on behalf of all. I allowed Shri Raghavachari also to speak on this occasion. Therefore, it is idle to contend that unless I exhaust all the fifteen or more signatories, I ought not to give my ruling; I do not agree with it.

Therefore, unless there are specific charges which could be met, and of which due notice has been given, this Resolution is clearly out of order. But as the hon. Leader of the House said, on a technicality, with respect to such a serious matter, I do not want to disallow this motion; I do not want to refuse to admit it on a mere technicality.

This is one of first impression. There has been no ruling till now, and no precedent for this, after independence has been obtained, and after we have started working under a Constitution. Even under the previous regime, there was a specific rule which required the consent of the Leader of the House. That rule is not here before us. And rightly, the hon. Leader of the House has said that he does not desire that he ought to be consulted, though he expected that for various good reasons, it might have been desirable that he should have been consulted. However, that is another matter.

As this is one of first impression, though *prima facie* this Resolution has not been a Resolution which has been worded properly so as to give notice, yet particularly since this happens to be a Resolution for the removal of the Speaker, I would say that I am going to allow it or admit it now; of course, subject to hon. Members supporting it, I am going to allow it. I do not want to stand on technicalities, because it is one of first impression, and a matter of this kind ought to be thrashed out in the

House. Though this would not be a precedent for the future, I decide or rule that this is a Resolution which is not purely governed by rules 219 and 220 read with rule 191(1) which require that a Resolution ought to be specific. Therefore, to obviate the difficulty and to focus attention on particular points, whoever speaks first on behalf of the signatories to this Resolution may start by saying, one, two, three, these are the things relating to questions, and again, one, two, three, these relate to the adjournment motions. So far as 'etc.' is concerned, 'etc.' is not a legal language. Therefore, I am not going to allow any discussion further or allow 'etc.' to be clothed with flesh and blood here on the floor of the House. Therefore, I will allow discussion only on these points. Condoning the fact that regularity has not been adopted in this matter of giving the details and making it more specific, I would ask that whichever hon. Member might begin must set out the three or four questions which he intends placing before the House for the purpose of focussing attention with respect to the questions, and also the three or four adjournment motions, which he wants to place before the House in respect of adjournment motions. No other subject which the Hon. Speaker had dealt with during the course of his regime would be allowed to be referred to merely because the word 'etc.' is there. Therefore, the discussion will be specific. I admit this Resolution, subject to all these observations. I would like to know now how many hon. Members are supporting it.

Shri K. K. Basu (Diamond Harbour): May I seek a clarification on the ruling you have given just now? You were kind enough to say that a Resolution should be guided by our Rules of Procedure, namely from rule 191 onwards. According to the rules, before a Resolution is admitted, certain conditions have to be fulfilled. But in reply to the points raised by my learned friend Shri Raghavachari, you said, "though I did not decide as to

the admissibility of this Resolution beforehand, I wanted to know the view of the House before I decided on that issue". Do I take it that in future you would follow the same procedure in respect of all Resolutions, before deciding whether they are admissible or not?

There is one other point which I would like to know from you. You were kind enough to say that specific facts must be stated. Supposing there are one or two questions which the hon. Speaker disallows in his judgment and according to his view, we may not be agreed on that; that may be justified, because we know that on a specific issue there is possibility of disagreement. But after quite a number of questions are disallowed, we feel that he is always following a policy which is against the interests of the House. In that even, is it your ruling that in the body of the Resolution, we shall state that such and such a question he has not allowed, and for these grounds, he has been behaving in such a manner? If in that way you stretch it further, I would apply it to all other Resolutions as well in that case, I do not know in what forms our Resolutions should be drafted in future, because regarding other Resolutions or even adjournment motions, we have certain forms, and this is a new procedure. Of course, you were kind enough not to disallow this Resolution on this technical ground. But you have made a certain observation which will affect the interpretation of the rules. So, I would like you to clarify the whole position, for our future guidance.

Pandit S. C. Mishra (Monghyr North-East): May I make one submission? Since you have laid down the procedure and you say that you will admit this Resolution subject to the requisite number backing it, and since you have also said that you will allow the discussion only on the specific points, my submission is that if this Resolution is admitted, you may kindly allow two or three days' adjournment so that the whole House may be in possession of all the specific facts on

[Pandit S. C. Mishra.]
which these allegations have been made, and the hon. Members of the House may come prepared.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: Shri K. K. Basu has raised two points. So far as the admission of the Resolution is concerned, when I said I have not yet admitted it, I wanted some clarification before I admitted it, and asked hon. Members who are in support of this to stand up, with a view to give a lead to the House, so that the House may give leave....

Shri S. S. More: Formally, I will have to beg for leave.

Mr. Deputy-Speaker: I would call upon him now. Regarding the first point raised by Shri K. K. Basu, it is not as if in future all Resolutions ought to be brought here for purposes of admission. The Hon. Speaker has got a right—if we go under the rules—under rule 191(1) to say, this is vague and indefinite, and therefore, I am not going to allow it. But this is not a Resolution of that kind; therefore, I was not willing to disallow it; even though my opinion, after I heard the hon. Members, is that it ought to be more clear and precise, I did not disallow it.

Under these circumstances, this is not a precedent for bringing every other Resolution before the House, before it is admitted or rejected. That is all hypothetical. Now, this is what I have to say so far as this is concerned. On this, I wanted to have the view of both sides of the House before I made up my mind whether it ought to be admitted or not.

Now, so far as this question is concerned, the hon. Member himself is a lawyer and he knows that unless there are charges, or allegations of fraud etc. in a plaint as even on the civil side, or unless such particulars are given, we cannot proceed with the case. There is a difference made between matters of evidence and matters of substance. So, it is necessary to say, these are the charges. Under these circumstances, it is necessary that

three or four specific points on questions or adjournment motions should be raised, which could be debated upon and answered. The hon. Member who starts speaking first may state them, so that the attention of the House may be focussed upon those particular points.

Now, regarding adjourning the House to some other day, hon. Members had fourteen days' time and they must have thought about all these matters during that time. If leave is granted, I would like to have this Resolution debated upon sometime in the afternoon today, and dispose of it today.

The question is:

That leave be granted to move the following Resolution:

"That this House, having taken into consideration the conduct of the Speaker of the House as regards giving his consent to adjournment motions, disallowing questions, etc., feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House; that in his partisan attitude he disregards the rights of Members of the House and makes pronouncements and gives rulings calculated to affect and undermine such rights; that he openly espouses the version of the official spokesman on all controversial matters as against information supplied by other Members of Parliament, that all these acts constitute a serious danger to the proper functioning of this House and ventilating effectively the felt grievances of the people, and, therefore, resolves that he be removed from his Office."

Hon. Members who are in favour of this question will kindly rise in their seats. I shall count them one after another, for under the rule, fifty Members are necessary in favour. I have counted bench after bench, and I have counted up to 56. There is sufficient margin.

The motion was adopted.

Mr. Deputy-Speaker: Leave to move this Resolution is granted.

Shri Nambiar (Mayuram): The whole row may be counted—I mean at the back.

Mr. Deputy-Speaker: There may or may not be more. It is enough for the purpose of granting leave if there are fifty Members. The House will take up this resolution at 4 P.M.

Shri S. S. More: What will be the time?

Shri Raghavachari: May I submit one point? According to the rules, when a motion is admitted, if there is sufficient strength, the Speaker shall have to fix a day for a discussion. So it does not mean the same day. I will just invite your attention to that rule. The Speaker shall fix a day for discussion, not the very day.

Mr. Deputy-Speaker: It is not necessary. I will have it at 3 o'clock, today.

Several Hon. Members: No.

Mr. Deputy-Speaker: What is the time that is necessary?

Shri S. S. More: May I bring to your notice that we will have to allot time first? Unless we know how much time will be permitted, it will be difficult for us to proceed.

Sardar A. S. Saigal (Bilaspur): May I submit that it be taken up at 2-30 P.M.? (*Interruptions.*)

Shri Jawaharlal Nehru: We can have 1½ hours, if you like.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Let it be 4 to 6 p.m.

Shri Jawaharlal Nehru: You might have it at 3-30.

Shri Punnoose (Alleppey): I would like to point out that this is a very serious matter. The Prime Minister was pleased to over-emphasise, that it is a very very serious matter. But I am surprised that they want to dismiss it in 1½ hours. We want a full

day's discussion, as this is a serious matter—if he stands by what he says.

Mr. Deputy-Speaker: As yet, we have not had any indication in the Resolution itself, as I pointed out, as to what are the points that are going to be raised. I believe there will be three or four points relating to questions, three or four points relating to adjournment motions, however long we may sit, having regard to the number of persons here. Therefore, though one hour may not be enough for the Mover and for the reply, and other persons also might like to take part in it, an hour and a half may meet the requirements. (*Interruptions.*) I am not going to allow every hon. Member who is a signatory to this Resolution to get up and speak on this matter. Now, that is clear. This is a matter in which the entire House is interested. Under these circumstances, time will be given according to the number of persons in each group—only that time. We have 1½ hours. The House will start discussing this Resolution at 3-30 p.m. I do not agree that it ought to be on some other day. I do not want to allow this matter to be hanging. This is a serious matter and 14 days' notice has been given. So at 3-30 p.m. the House will take this up.

Shri Punnoose: Before you give your ruling, may I say that even for an adjournment motion we have 2½ hours? This is a very important matter. How can we dismiss it within 1½ hours?

Shri S. S. More: I would just supplement what the hon. Member said. I would bring to your notice rule 81. Though this is a Resolution given in this particular form, it is, more or less, a Resolution in the nature of an adjournment motion—of censure. If we treat it on par with an adjournment motion, then the least that we can do under rule 81 is to allot 2½ hours—at least 2½ hours—unless you treat it as on grounds still inferior to an adjournment motion. It is much more serious than an adjournment motion.

Shri Jawaharlal Nehru: I do not wish to limit discussion. You can have it for a week so far as I am concerned. (*Interruptions.*)

Dr. N. B. Khare (Gwalior): He is agreeable to have it for a week. Let us have it.

Mr. Deputy-Speaker: The House will take up this Resolution for discussion at 3-30 p.m. and the discussion will conclude at 5-30 p.m. Two hours are more than enough so far as this matter is concerned. (*Interruptions.*) Now, each hon. Member who speaks will have 15 minutes except the person who speaks in the beginning—he will have 20 or 25 minutes—and any spokesman on the other side, the Leader of the House or some other person, who also will have 20 or 25 minutes. I would only request hon. Members to be as cool and considerate in the debate as they have been so far. (*Interruptions.*)

Pandit Thakur Das Bhargava rose—

Shri A. K. Gopalan (Cannanore): May I submit that so far as the time is concerned, it is very limited? From among those who have signed the Resolution, at least some persons from each group have to speak. Also Members on the other side may wish to speak. So I do not think that two hours will be enough.

Pandit Thakur Das Bhargava: May I submit a word?

Mr. Deputy-Speaker: Except the leaders of groups, others may not speak.

Shri Raghavachari: May I submit that you may be pleased to consider and review the decision as to what day and time should be allotted for discussion? The rules definitely contemplate that a day may be fixed within ten days, i.e. some other day within ten days. So you have to take the spirit of the thing rather than go on disposing of it as if it is some matter that has arisen casually. The spirit of the rule is that within ten days a day has to be fixed, but you

want to immediately go on and decide this.

Mr. Deputy-Speaker: I expected any such remarks least of all from the hon. Member who is a signatory. Those persons who gave notice must have made up their minds. I am sure they would have made up their minds as to what the charges are; otherwise responsible people would not have appended their signatures. Fourteen days' notice has been given and thereafter it has come. Now, we have other business in the House. It is not the only business of the House—to remove the Speaker. We have other business before the House and consistent with the time required for other business, time has to be found. It is not for the sponsor to come and say 'You ought to give more time. I was not prepared'.

Shri Raghavachari: I never said it that way.

Mr. Deputy-Speaker: It is not at all proper for the hon. Member to say himself 'You must adjourn it'. For whose benefit? The other people have not asked for it. This being a serious matter, under these circumstances I am going to take it up today from 3-30 p.m. to 5-30 p.m.

Several Hon. Members rose—

Shri Raghavachari: May I submit that it is not for my sake that I said it? It is not that I am unprepared but there must be sufficient time for all...

Mr. Deputy-Speaker: For what?

Shri Raghavachari: ...to really discuss the matter and not hurry it up, as you are inclined to do.

Mr. Deputy-Speaker: No hurrying up.

Pandit Thakur Das Bhargava: May I submit a word?

Shri V. P. Nayar (Chirayinkil): In fixing up the time, the usual practice is that the Chair consults the Leader of the House, formally or informally. The Leader of the House, before he chose to go out of the House, very

clearly expressed that he is prepared to discuss it for a period of a week. I submit that, in view of the fact that the Leader of the House has expressed his willingness to have discussion for a period of a week, the time limit now fixed by you should be kindly revised and some more time should be given for us.

Pandit Thakur Das Bhargava: Since those who have signed this Resolution know their mind full well, there is no point in asking for an adjournment, but at the same time, since you have been pleased to say... (*Interruptions*). Since you have been pleased to say that there will be three points in regard to each....

Mr. Deputy-Speaker: Why argue it?

Pandit Thakur Das Bhargava: We want to know what are the points. The House wants to know. We want that these should be given to us within 15 minutes from now. These points may be given so that the House knows what we are to discuss.

12 NOON

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1954-55—ANDHRA

Mr. Deputy-Speaker: The House will now resume further discussion on the Supplementary Demands for Grants in respect of Andhra State. Of the 2 hours allotted for this item of business, 44 minutes have already been availed of yesterday and 1 hour and 16 minutes now remain. This means that these Demands including the Appropriation Bill will be disposed of by about 1-15 p.m.

The House will, thereafter take up the consideration of the Delimitation Commission (Amendment) Bill, 1954.

Shri Raghavachari (Penukonda): Sir, yesterday I was submitting a few points in respect of things that arise out of these Supplementary Demands for Grants for Andhra State.

Mr. Deputy-Speaker: Order, order. Let there be no other discussion in

the House other than the one on the Order Paper.

Shri Raghavachari: The other matter, about the irrigation policy of the Government is in question. I wish to make only very brief remarks about one or two points. The Ministry in its anxiety to arouse the sympathy and support of all parts of Andhra have committed themselves in a hurry to a number of projects costing crores of rupees which they may not be able to implement within the space of one term of office or even two. Not that I am complaining that they should not have a plan and should not do their business, but there is more anxiety to do too many things and in this hurry what they have done is they have utterly neglected the very small irrigation projects. It is unnecessary to advance any arguments in favour of the necessity of taking up these small minor irrigation projects because they are not very costly, they are quick in yielding results; and they will avoid first to un-settle people and disposses them and then to rehabilitate them. All those are considerations that would ordinarily arise in bigger projects.

But, in the neglected Andhra and in our districts where the rainfall is not more than 20 inches a year, the ancient kings have adopted one policy and that is of building tanks and kuntas. Wherever it is possible for them to store the rain water, they have always taken care to see that, that water is not allowed to flow out waste. Therefore, it must have been the primary work of the Government to examine the possibilities of such small schemes which might even not cost more than Rs. 1,000, and all that would have really helped in bringing a little more water to facilitate irrigation. Such a thing should have been done from village to village. An estimate should have been made, details gathered from the local knowledge work carried out. That has not been done. They want to take up projects costing Rs. 100 crores or Rs. 150 crores which will be more a matter for