

The question is:

"That clause 1, as amended, the Title, as amended, and the Enacting Formula stand part of the Bill.

The motion was adopted.

Clause 1, as amended, the Title, as amended and the Enacting Formula were added to the Bill.

Shri Karmarkar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

UNIVERSITY GRANTS COMMISSION BILL

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): I beg to move:

"That the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely, Shri N. V. Gadgil, Shri V. B. Gandhi, Shri Jethalal Harikrishna Joshi, Shri R. V. Dhulekar, Shri Birbal Singh, Shri Algu Rai Shastri, Shri Syamnandan Sahaya, Shri T. S. Avinashilingam Chettiar, Shri S. Sinha, Shri T. N. Vishwanath Reddy, Shri A. M. Thomas, Shri N. Rachiah, Shri Dewan Chand Sharma, Giani Gurmukh Singh Musafir, Shri Radhelal Vyas, Shri Mulla Teherali Mulla Abdulla-bhai, Shri Krishnacharya Joshi, Pandit Lingaraj Mishra, Dr. Manmohan Das, Shri Rameshwar Sahu, Shri Jaipal Singh, Shri H. N.

Mukerjee, Shri K. M. Vallatharas, Shri B. Ramachandra Reddy, H. H. Maharaja Rejendra Narayan Singh Deo, Shri B. H. Khardekar, Prof. Meghnad Saha, Shri Sivamurthi Swami, Shri P. N. Rajabhoj and the Mover, and 15 members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 30th day of April, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

Mr. Deputy-Speaker: He wants to continue or shall I put it to the House immediately?

Dr. M. M. Das: I will continue next day.

Shri R. K. Chaudhuri (Gauhati): On a point of information, Sir, I want to know why instead of 49 members as usual only 45 members have been selected for this Committee? In all Committees we always have 49 members.

Mr. Deputy-Speaker: There is no question of 'usual' here. Now, we will go to the next item.

RESOLUTION RE: REMOVAL OF SPEAKER

Mr. Deputy-Speaker: The House will now take up the Resolution.

Shri Jawaharlal Nehru: Sir, may I make a submission to the House? You

[Shri Jawaharlal Nehru]

were pleased to allot two hours for this discussion.

Mr. Deputy-Speaker: Yes, from 3-30 P.M. to 5-30 P.M.

Shri Jawaharlal Nehru: Normally you do adopt some kind of proportion, but I should like to submit that in this particular case, more time should be allowed to the Opposition than to the Government Benches. We do not wish to take too much time and I hope that hon. Members on this side will not take too much time of the House in their speeches. Naturally, we will have to say something which we will do. But, I would submit for your consideration that the Opposition should have more time.

Shri M. S. Gurupadaswamy (My-sore): I have already given you a list of names.

Mr. Deputy-Speaker: I will try to regulate the debate accordingly Shri V. Missir may move the resolution, formally.

श्री बी० मिश्र : उपाध्यक्ष महोदय, अध्यक्ष महोदय के सम्मन्ध में जो प्रस्ताव लाया गया है, मैं उसको मूव करता हूँ :

“कि यह सभा, स्थगन प्रस्तावों पर सहमति द्दाने, प्रश्नों को अस्वीकार करने, आदि के बारे में सभा के अध्यक्ष के आचरण पर विचार करने पर यह समझती है कि उन्होंने सभा के सभी वर्गों का विश्वास प्राप्त करने के लिये आवश्यक निष्पक्ष रवैया बनाये रखना बंद कर दिया है, कि अपने पक्षपातपूर्ण रवैयों के कारण वह सभा के सदस्यों के अधिकारों का ध्यान नहीं रखते हैं और इन अधिकारों का हनन करने वाली घोषणाओं और निर्णय द्दाने हैं ; कि वह सभी विवादग्रस्त मामलों में संसद् के दूसरे सदस्यों द्वारा दी गयी सूचना के मुकाबले में सरकारी प्रवक्ता की बात का खुला समर्थन करते हैं ; कि इन सब कार्यों से इस सभा का कार्य उचित रूप से संचालन करने के लिये और जनता की शिकायतों को अच्छी तरह प्रकट करने के लिये

खतरा पैदा हो गया है, और, इसलिये, सभा संकल्प करती है कि उनको उनके पद से हटा दिया जाये । ”

Mr. Deputy-Speaker: Resolution moved:

“कि यह सभा, स्थगन प्रस्तावों पर सहमति प्रश्नों को अस्वीकार करने, आदि के बारे में सभा के अध्यक्ष के आचरण पर विचार करने पर यह समझती है कि उन्होंने सभा के सभी वर्गों का विश्वास प्राप्त करने के लिये आवश्यक निष्पक्ष रवैया बनाये रखना बंद कर दिया है ; कि अपने पक्षपातपूर्ण रवैयों के कारण वह सभा के सदस्यों के अधिकारों का ध्यान नहीं रखते हैं और इन अधिकारों का हनन करने वाली घोषणाओं और निर्णय द्दाने हैं ; कि वह सभी विवादग्रस्त मामलों में संसद् के दूसरे सदस्यों द्वारा दी गयी सूचना के मुकाबले में सरकारी प्रवक्ता की बात का खुला समर्थन करते हैं ; कि इन सब कार्यों से इस सभा का कार्य उचित रूप से संचालन करने के लिये और जनता की शिकायतों को अच्छी तरह प्रकट करने के लिये खतरा पैदा हो गया है, और, इसलिये, सभा संकल्प करती है कि उनको उनके पद से हटा दिया जाये । ”

Shri S. S. More: Mr. Deputy-Speaker, I am rising today with pain and anguish in my heart. I am trying to do my duty which is both unpleasant but necessary. Now, we are an infant democracy and what is the main, fundamental conception of democracy? We are trying to develop our democracy after the pattern of England. According to that pattern, no democracy is complete without a party in power and a party in Opposition. If I can use a metaphor with your permission, the type of democracy which we are trying to develop has two legs, one leg is of the party in power and the other leg is of the party or parties in Opposition. One leg might be going forward for some time but the other leg too, as an alternative, goes forward and then only the humanity or democracy advances. What have we done to meet

the jeers and ironical laughter of the party in power? What have we done? Are we not a responsible lot of persons? We do command, on our side, though so small, some *ex-Presidents* of the Congress, some *ex-General Secretaries* of the Congress, some doughty fighters in the cause of freedom who still carry on their faces the scars of the freedom battle. We have some *ex-Judges* of High Court. We are a responsible lot of persons, and ordinarily, among the responsible persons, the sense of responsibility cannot be computed in an arithmetical expression or arithmetical formula, because if we proceed to measure the sense of responsibility by a counting of heads, I think only folly will be declared as the most responsible. We are struggling in our own way. People have sent us, their representatives, by electing us to the floor of this House, so that we are also expected to discharge some responsibility to them and therefore, we are humbly, though against very heavy odds, trying to fight for our own cause.

It has been said that this is an improper move on the part of the Opposition. I do accept what the Leader of the House says because, in spite of the fact that he is at present the Leader of the ruling party my memory, which frequently goes to the past, cannot forget that he was the leader of the national movement, who inspired young people to more and more exploits. Therefore, I am not prepared to take whatever he says with rancour. But on this question, when we are meeting to discuss a very important point, very important from the point of view of our democracy let us go ahead without exhibiting any temper. A man who loses his temper loses everything that is precious in life. At least, let not posterity judge us by saying that we lost our temper on crucial occasions. Controls have gone, but the control of our tempers, of our passions, is an eternal thing, and then only humanity can advance.

I have the greatest regard for the Chair. As a student of a constitu-

tional literature and past history, I cannot forget that the Speaker has to discharge a certain function. What is his function? Not doing something which is against parliamentary traditions, because, here, we are trying to lay durable foundations for our future democracy and these durable foundations can be laid only if, on occasions, we look to other nations which have their own experience and which can serve as a sort of beaconlight to all of us. What is the history of England? We are very prone to quote English precedents. The precedents of the House of Commons have developed by waddings through oceans of blood and conflict, till they reached the present conditions. There was a King who was fighting against democracy and he was made to walk to the scaffold. There was another King who was prepared to trample on the toes of democratic principles and so he was made to leave the country. That is the past tradition of parliamentary democracy. Even this institution of Speakership—I am saying that in an abstract method—had its ups and downs. I know that in the history of parliamentary democracy, at the outset, the Speaker was a stooge of the monarch, trying to plead his cause with the fighting Members of the House of Commons. He was looked upon with distrust, and a convention has developed that, when Parliament proceeds to discuss Supply, and discuss the grievances before Supply, the Speaker, who is the stooge of the King, is shut out from the deliberations of the House, and the Chairman of the Ways and Means steps into the Chair. That tradition is there. After that, the monarch was subdued. He was rightly vanquished by the House of Commons and the King became figurehead. But what happened? Party politics developed. The monarch disappeared, but another dictatorship came on the scene—the dictatorship of the majority,—and from being the stooge of the monarch, the Speakership entered another phase where the Speaker was treated as the stooge of the party in power. It was Speaker Onslow, in the eighteenth century, who set up that tradition of

[Shri S. S. More]

discarding all the trappings of the party and placed the Speaker in an impartial role and assuring the minority who are on the Opposition side: "Here is a man who will fight for your rights; fight for you without any sense of loyalty to his party." My submission is that we will have to take all these considerations in to account before we decide how our Speaker should develop. Unless we look to those precedents, unless we enter into the spirit of the development of the House of Commons, and their beautiful traditions, it will not be possible for us to lay enduring foundations for posterity. Mechanically quoting Hansard here and quoting another precedent there will not give you the right spirit. Therefore, I would say that we all of us have to approach this problem from this high level. It is not a question of partisanship. Unfortunately, today, we are here on the side of the Opposition, but does that mean, and does any Member from that side, say, "This Opposition will be an everlasting Opposition"? No. Even the Leader of the House, who has a better sense of democracy than most of his followers will be frank enough to admit....(Interruptions).

I assume that the Leader of the House has a following not only in this House but even outside.

Several Hon. Members: Yes, yes.

Mr. Deputy-Speaker: We are speaking about the Speaker and not about any other leader.

Shri S. S. More: I accept correction from you, Sir. I know my limitations. My submission is that the real question is, 'Has the Speaker assumed that impartiality, has the Speaker that measure of impartiality which shall inspire confidence in the Opposition Members?' When a vote of censure is tabled against Government, defeating it by a majority is one thing. There, the Government comes out triumphantly; it is supposed to be victory of the party in power. But, when a motion for the removal of a

particular Speaker, howsoever respectable, is moved by a large section of the Members of the Opposition, simply defeating it by a large majority will not be enough, because you have to see that confidence is developed not only in the Opposition Members but in the world outside. I need not repeat the truism that justice has to be done but justice must also appear to be done.

The impartiality of the Speaker, I would say the Chair, must be beyond any question. It must be beyond any doubt by anybody else and even the slightest breath of suspicion and distrust is quite enough to soil the mirror of his reputation. So, it is not a question of party supporting one man or another party opposing another man. I would request this House not to take this issue on a party basis. There are responsible Members. Simply because they have chosen to disagree with the party in power, they do not cease to be responsible individuals whose opinions need not be taken into account. All of us have to come together. The Leader of the House has treated us on many occasions as though we were a motley crowd. I do concede. But, we are also trying, in emulation of his great efforts, to develop unity out of diversity and what we have done today is to make our Christmas present to the great Leader of the party in power. We, all of us, with different ideologies, red, blue black and white,—of all these colours—have come together. It cannot be so unless we have some definite grievance. That grievance may be due to misunderstanding, that grievance may be due to some other factors but you must recognise the fact that the grievance is there. The malady may not be serious but in every case you must take note of the malady and apply some quick cure. It is no use diagnosing what was the root cause which brought about this malady. We feel, with all the sense of responsibility, that the Speaker, unfortunately, is not doing what we expected him to do.

Some Hon. Members: That is obvious.

Shri S. S. More: I do welcome this laughter. That shows their idea about democracy (*Interruption*). Now, what is the function of the party in Opposition? It is a corrective to the party in power. I might not accept what Mahatmaji said about other matters, but Mahatmaji was very insistent in saying that whenever he saw in anything in this country autocracy rule—he might be in the minority of one—he must fight with his soul in its majestic array. We might be very few, but we are fighting, according to us, autocracy (*Interruption*). The germs of autocracy are very insidious in creeping in. They do not immediately reveal their existence. They develop into some serious trouble and the Opposition is playing the role of a sort of a germicide, killing the germs or suppressing them in whatever plane they may be spreading.

The Speaker was pleased to say that he is the custodian of the Constitution. I will challenge that statement with all my regard for him. When a written constitution is placed on the statute-book, it is not a single individual that can be the custodian. In a country with a written Constitution, the real job of interpreting that constitution and seeing that no single provision of the Constitution is violated or transgressed is the supreme function of the highest tribunal in the country and no single man can say that he is the custodian. What is the function of the Speaker? As it has been developed in England, the function of the Speaker is to maintain order, to regulate the proceedings. He is the interpreting authority so far as the rights of both the sections of the House are concerned. He has no legislative authority. But, unfortunately, in this House—interpreting wrongly according to us—the Speaker has himself become the legislative authority and his interpretation has become the law in this House.

I would refer you to article 105 of the Constitution. That says that the rights, privileges and immunities of both Houses and the members of the Committees thereof shall be the rights, privileges and immunities which are prevalent in the Commons. Now, the right to speak and the right to formulate our rules is our right but that right is ignored for a good many reasons in that interpretation of the Constitution. Let us come to article 98.

Mr. Deputy-Speaker: That is not one of the charges. The hon. Member will confine himself to partiality regarding question and the admission of adjournment motions.

Shri S. S. More: In view of the shortage of time, I will accept what you say.

My submission is that as far as this chargesheet is concerned, I was referring to article 98. It is the business of Parliament to pass certain laws regulating the Parliament Secretariat. It has not been done but I will leave that matter there without further developing it.

Then, we have in this motion said that adjournment motions are disallowed. That is the first item of our resolution, and, I would say, an important item. What is the function of an adjournment motion in the Parliamentary procedure.

Shri Algu Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Should it always be admitted?

Shri S. S. More: My friend is asking me, should it always be admitted. I would not allow myself to be disturbed but I would say, what is the function of an adjournment motion. The party in power is there. So many things happen. The parties in Opposition are there to pin down or attract as violently and vehemently as possible the attention of the Government to certain ills or certain acts of misadministration. England is comparatively a small country, but in such a vast country as this, the party in power may be here but the lower

[Shri S. S. More]

tiers of administration are trained in the British tradition. They are not trained to be friends of the country. So, whenever something wrong happens, it is our function and responsibility to the constituencies which we represent, to bring that wrong before this House and see that Government's attention is properly attracted. It may be said that while we have any grievance, we can come here and have a half-an-hour discussion or a two-hour discussion and that we have been provided all the valves for letting out steam. But the half-an-hour discussion has no purpose and the two-hour discussion has another purpose; but an adjournment motion in the scheme of parliamentary democracy has a particular function to discharge and that function is that it carries along with it is a sort of censure of the Government. It is our right, I say, under article, 105. If members of the House of Commons can censure, then I also have the same right to censure Government and table an adjournment motion and see that Government's attention is properly drawn.....

Shri Dabhi (Kaira North): Sir, on a point of order. You definitely ruled that the definite charges should be stated on the floor of the House. Not a word has been said about that.

Mr. Deputy-Speaker: I have asked him to confine himself to adjournment motions and to questions; if he is not able to give any specific charges, certainly the hon. Members can say that there is no specific charge.

Shri S. S. More: I am trying in a lawyer's manner....

Shri Algu Rai Shastri: But, You are failing miserably.

Shri S. S. More: ...to propound the principle of law and illustrate it. We say that we have every right under Chapter X of our Rules to table adjournment motions. Are we doing something wrong? It is contended by many that we are indiscriminately tabling adjournment motions and that these adjournment motions are only supposed to serve the purpose of ventilating some grievance here or

some grievance there. I would bring to your notice that during.....

Mr. Deputy-Speaker: I shall be very strict regarding time. We have fixed only two hours.

Shri S. S. More: My submission is that it is our right to move adjournment motion. The consent is supposed to be there. Even under the old Rules, precedents were there. You were a Member of the Central Legislature in 1935. I am only taking one particular year. The Congress moved as many as 34 adjournment motions. What was the purpose? There was no lighting of railways; somebody was prevented by a local Government from travelling, and such matters; but unfortunately, the restriction of time prevents me from giving instances.

I would say that in this House we have up till now moved about 89 adjournment motions, and out of the 89 adjournment motions, two were not pressed and one was only allowed—and my friend, Dr. Lanka Sundaram, was the fortunate Member of the House who could secure the consent—and barring these three, 86 adjournment motions have been disallowed. Why? The Speaker refused to give his consent. I would say that this consent affair cannot be used for stifling adjournment motions. Take, for instance, the Standing Order of the House of Commons, No. 9. It says that the Speaker is to be convinced that a particular motion is urgent, specific and of public importance, and the moment he is convinced, the adjournment motion is placed before the House. This was the procedure which was followed during the last Assemblies under which the Congress was functioning, but I would not go into these details. Take, for instance, the last thing that has broken the camel's back. As Opposition Members, we have been suffering for the last two years with the patience of Job, but at the same time we did not complain. The last thing that broke our back, our power of endurance, is the motion which was presented by my friend,

Shri Gurupadaswamy. The Government's version was accepted. According to the House of Commons' procedure, even the mover of the adjournment motion is permitted to have his say, but here only Government is permitted to have an extensive say and then the Opposition is told, "No, no, you are an interested party." Even Dr. Katju will admit that the version he got from Manipur was a version based on the views of the administrative officers there, who might be the police. As against that, the version we got was from an hon. Member of this House. And what is the equation. Are the police under the control of the party in power above in prestige compared to Members belonging to the Opposition. Does the police get better privileges? Not only that. We are also raising points of order. Point of order is a fundamental right under the British system and it is also a right conceded to us under article 105. What is the point in saying before he has developed his point of order, "Well, there is no point of order."? This is judging too hastily. The attitude of a judge who sits in the Chair ought to be the attitude of the Supreme Court Judge who would be giving a patient hearing to all the Parties concerned and then come to his own conclusion without any bias. I would say that there are Constitutions where a Judge of the High Court is supposed to be in the Chair of the Legislature when debate goes on. We must develop a tradition by which the Speaker, whosoever he may be, and whatsoever Party he may belong to, will shed all Party leanings the moment he sits in that sacred Chair. We all know about what is said of Vikram's Throne, and sort of attitude must be there. Fortunately, Vithal-bhai Patel and many great Speakers have been contributed by the national movement. I would say that as far as we are concerned, consent was given in the case of only one adjournment motion out of 89 and I would not go into the reason; points of order ignored, suppressed, not allowed to be raised. The last thing that I would

like to mention before I resume my seat is the tone in which we are addressed. We are responsible Members, sufficiently senior in our life; we have left our schools far behind. But I feel on many occasions that we are treated like 'a pack of urchins', to use that expression and tried to be controlled by a long rod. I would say that the milk of human kindness must be flowing there, and the human touch will pacify the Opposition Members more effectively than the sharp edge of a smarting tongue.

I would say that these are our feelings, and I specially make an appeal to the Leader of the House that it is for him to take notice of all these facts. I know that he has a permanent interest in developing democracy, but democracy cannot be developed by developing a sort of partisan spirit—a fanatical partisan spirit—which is not proper according to the fundamental concepts of democracy, as far as Speakership is concerned in Western countries. That is all what I would say. I support this Resolution.

Mr. Deputy-Speaker: Shri Gopalan wants that after one or two speakers on this side have spoken, he might be called upon to speak, but they should know what the charges are. Therefore, I would call Shri Gopalan to speak.

Shri A. K. Gopalan: My friend has given some points, especially about adjournment motions, and how they were treated. Parliament is a forum where the people's grievances are to be focussed, and it is for that reason that we have been elected by the people, and it is for that reason that we have come here. We have to bring forward the grievances of the people in some form or another before Parliament. There had been about 85 adjournment motions given by the Opposition and I do not know whether any Member opposite can say that any one of those adjournment motions was such that it did not concern either the life or the suffering of the people of this country. As far as the admission of the adjournment motions is concerned, that is another question,

[Shri A. K. Gopalan]
but what I point out is that there was not one instance, but many instances, about adjournment motions where we have to believe that the Chair, which should be impartial, had been partial.

Shri Algu Rai Shastri: Give us one or two instances.

Shri A. K. Gopalan: I would say that the Chair, on several occasions, had stated that he was a party man. It was also quoted—that is my memory. Not only that, it was quoted in papers wherein it was said in an editorial—

"On his election as Speaker, Mr. Mavalankar differing from predecessors declared himself still a party-man and during the Speakers' conference what engrossed him was Congress-nomination in the next election as a party-man." :4

On his election as Speaker, he declared himself to be still a party man. The name of the paper is *The Deccan Herald*. The Speaker has said, "I am still a Congressman and am a party man."

Shri M. D. Joshi (Ratnagiri South): On a point of information. Is that a charge?

Shri Punnoose: Just listen; he is developing the charge.

Shri A. K. Gopalan: If they are patient enough to hear, I am giving the charges. If there is no charge, let them reply, "There is no charge levelled and we have nothing to reply."

The first charge is this. According to parliamentary procedure, what we understand is that the Speaker does not belong to any Party, he is a non-Party man, he must surely be one who is not attached to any Party or any such thing in Parliament. He must be a man belonging to no Party. If he says, "I am a Party man", that shows that when a Party man is in the Chair, he will support his Party. A party man will have at least sympathy towards his Party. That is why I said that he must not be a

party man.

The next point that I want to say is...

Mr. Deputy-Speaker: On this particular point, there can be differences of opinion as to what the rule in India ought to be about the Speaker. We have not yet developed a convention that the Speaker ought not to contest a seat, what are the limitations, and so on and so forth. On that particular subject, if you found him to be a party man because he said so some two years ago when he was elected, you have tabled a motion two years later. Possibly there might be some justification, but am I to go into that matter now?

Shri A. K. Gopalan: I have only begun, and if you take one sentence out of it, how can I speak? You must hear me and then say whether there is any reason for this adjournment motion. If you take only the first sentence and say "Is this a reason for the adjournment motion?" certainly I cannot answer. I do not want to make it the main point. Whatever the practice might be in other countries, we will have to decide the practice that is going to obtain here in future. But the parliamentary practice in other countries is that the Speaker is not a party-man. That is all that I wanted to say. I only wished to bring to the notice of this House that an editorial had been written by a paper that party-man should not be in the Chair.

4 P.M.

The first point that has been made in the Resolution is regarding adjournment motions. My hon. friend Shri Gurupadaswamy had tabled an adjournment motion on the information supplied by a Member of Parliament who was not able to be present in the House and who had suffered. When that motion was tabled the Home Minister gave his version. Shri Gurupadaswamy got up and said that a Member of Parliament who was there on the spot and who was the sufferer had written to him and he wanted to give his version. To that the Speaker

said: "You are an interested party. I will not hear. Whatever the other side says is correct and I will take it at it." Not only that, there are two or three other instances, which I shall presently point out. The Speaker hears only one side and does not hear the other, as interested parties. I say that both the parties are interested. It is true that we are an interested party. We are a party that is interested in the welfare of the people; we are a party that is interested to take up the problems of the people, their urgent and important problems, and bring them before Parliament. We are a party that is interested in bringing before Parliament the grievances of the people when they write to us.

In the same way I shall presently show that the Home Minister is also an interested party and how he is an interested party. There was an adjournment motion tabled by me on the Kurnool firing. When I tabled the adjournment motion there was no reply from the Home Ministry. The next day a statement was made by the Home Minister; but I was not allowed to say anything. After the statement of the Home Minister I was asked by the Speaker as to whether I had to say anything about its urgency or political importance. The Home Minister only read a statement that was sent to him by the officers in Kurnool. If after that I had been given an opportunity, I would have been able to point out in what respects his statement was not correct. The Home Minister's statement said that the communists were taking out a procession through a road where some Congressmen were living. They abused them and then began stone-throwing. The communists who were going in procession got up on house-tops and then began to throw stones. When the communists were going in a procession, how could they throw stones from house-tops? He said from the house-tops they were throwing stones and going in a procession. They could not have got up on house-tops because they were going in a procession and people were standing there

outside. There was a clash between the two parties and those men who were living in the houses began to throw stones. How can the processionists throw stones from house-tops? They cannot get up the houses, because the other party was there to stop them. In actual fact, even the policemen did not fire on the processionists. The policemen only fired in the air and it was the landlords that fired. The version given by the Home Minister was that the Police fired on them.

Shri A. M. Thomas (Ernakulam): On a point of order: this incident which is now being expatiated upon by the hon. Member took place after the tabling of the Resolution under discussion. Can subsequent events be taken notice of?

Shri A. K. Gopalan: The motion I tabled was on the basis of information I got from a Member of Parliament, a Member of the Rajya Sabha, who visited that place.

Mr. Deputy-Speaker: The point of order that has been raised by the hon. Member is whether an event which took place subsequent to the tabling of the Resolution can be invoked for the purpose of laying a charge, or substantiating a previous charge.

The Minister of Defence Organisation (Shri Tyagi): Retrospective effect!

Mr. Deputy-Speaker: When was the adjournment motion tabled. I believe the Resolution was tabled on the 4th. When was the adjournment motion on firing in Kurnool tabled—before or after the 4th?

Shri A. K. Gopalan: Before the 4th, I presume: I do not exactly remember. We are speaking of the adjournment motions.

Mr. Deputy-Speaker: True, of course.

Shri Punnoose: May I point out that a Resolution becomes one only after it has been admitted.

Mr. Deputy-Speaker: The hon. Member is expected to refer only to adjournment motions or questions before this Resolution was tabled. Any reference to either questions

[Mr. Deputy-Speaker]

or adjournment motions tabled after Mr. Deputy-Speaker: If the that for the purpose of supporting charges are to be specific, they must this Resolution is not in order. The refer to an incident which must have hon. Member must have a number arisen before notice of the Resolu- of other matters: he can refer to them. tion is sent.

Shri A. K. Gopalan: It is not said anywhere that the adjournment motions or questions should be before this Resolution was tabled. It is not a question of whether the adjournment motions related to a previous period or a later period. What is done with the adjournment motions is the question, I do not know when the adjournment motion came up. But so far as this Resolution is concerned, it is being discussed only today.

Mr. Deputy-Speaker: That is my definite ruling—hon. Members who have practised in a court of law must be aware of it.

Acharya Kripalani: May I make a submission? Even after we have expressed our resentment, if the Speaker behaves like that, we are entitled to say that even after we have expressed our resentment, he continues to behave like that.

Mr. Deputy-Speaker: I am here only to regulate the proceedings. I am not going into the substance of the charges. As to whether it is right or wrong, it is for the House to decide. The only point, so far as procedure is concerned, is that any person against whom any charges are made, can be expected to answer only those matters which must have arisen before those charges were made, whenever it might be taken up. Therefore, this cannot have retrospective effect. It is not as if hon. Members saying: "If you behave within these fourteen days, we will withdraw this Resolution." It is not as if it is a test, or period of probation. Therefore, I am not going to allow it: it is not in order.

Acharya Kripalani: This is not a criminal court. It is a question of the general conduct of a person who occupies the Chair, that is all. If you do not allow, it is all right.

Shri S. S. More: May I bring to your notice Article 94 of the Constitution. Your ruling is likely to amend and affect that particular Article.

Mr. Deputy-Speaker: I had already ruled having regard to these things. I referred to the other rule. If the hon. Member would refer to article 94, it does not contain any provision for a debate or something like that for removal. I should have straightaway put the question to the vote of the House. But, on the other hand, we referred to the other article also and read it along with this. The Speaker is entitled to take part in the proceedings; the other article contemplates proceedings and a resolution. I already ruled that the resolution must be specific; specific charges must be given. That is my first impression. I said to hon. Members that on that technical ground, I did not want refuse admission to this Resolution. I, therefore, allowed the hon. Members to come forward with specific charges. The only point for consideration is whether any particular incidents could be referred to which happened after this Resolution has been tabled. That will put the person against whom the charge is made in a very difficult position because he could not anticipate all these. Purely as a matter of procedure it is not allowed. Hon. Members ought not to refer to these matters and base their conclusions upon that.

Shri A. K. Gopalan: I do not refer to that matter. I go to the adjournment motion that was tabled and in which a Member of Parliament was involved. It was not taken up. It was stated that we could not take any information that had come from that hon. Member of the House and

we had to take what the hon. Home Minister said to be correct. Today that hon. Member is here and if you look at his head you will see little scars as a result of beating. But on that day, only the Home Minister was allowed to make that statement but on the other side the hon. Member, Shri Gurupadaswamy, who had to say something and who wanted to say it based on the report that was received by him from an hon. Member of Parliament could not and was not allowed to say it. If that hon. Member had been here, certainly the version of the Home Minister would not have gone. The Speaker said that we are interested parties. Is not the Home Minister an interested party?

The Home Minister is an interested party in that affair. He wants to shield the officers who were responsible. He wants to show to the people nothing has happened whereas something has happened and a Member of Parliament was beaten and put inside the jail. He is present here today. People outside look at the adjournment motion and the statement given by the Minister. At one stage he did not even want to use the word 'lathi'. He said 'big, long, bamboo stick'. That is what he said. They have got a ruling majority in the House. Here, we are only in a minority. (*Interruptions.*) I do not want to go into details about that. We have got the majority votes position. If the votes are looked into, we represent more people than the ruling party represents. (*Interruptions.*) If you want to know that, only 44.5 per cent. had voted for Congressmen. (*Interruptions.*) That is why I said that I am not going into details. Let us even suppose that we are in a minority.

Mr. Deputy-Speaker: I agree that even if one hon. Member is not treated impartially, he may have a grievance and many hon. Members may support him. But he need not go into the general position of parties. We are concerned as to what is the kind of partiality.

Shri A. K. Gopalan: It is a question in this House where the majority party is ruling, the minority party should be allowed to say something, particularly when a Member of Parliament is involved and when an adjournment motion is moved relating to a Member of Parliament. His version should be shown to the Parliament. An hon. Member has written something to another hon. Member. On the basis of that information or report from that hon. Member, a Member here says: "Allow me to say certain things; what has been said by the Home Minister is not a fact; that is not what has happened; I have obtained some information from an hon. Member." But, he is not allowed to say anything. The hon. Member who was involved was not present here on that day and because he had not said anything the opinion of the people would be that the other statement would be correct. They would think that the police did not do anything or that there was no lathi charge.

Mr. Deputy-Speaker: His time is up.

Shri A. K. Gopalan: Sir, I should be allowed the time that had been taken for the points of order; the time taken for that type of interruption should be excluded.

Mr. Deputy-Speaker: I have excluded that time also.

Shri A. K. Gopalan: As far as adjournment motions are concerned, we have said even before that they are not allowed. Even if the adjournment motions are not allowed or are ruled out, the Chair must hear what the Government has to say and also hear what the man who has moved it has to say. It is only after hearing both sides that the Chair can rule out an adjournment motion. But here the ruling party alone is heard and the other parties are not even allowed to express what they have got to say. The discussion here on such matters to the people certain things especially when it is concern-

[Shri A. K. Gopalan]

ed with a Member of Parliament. When it is brought before the Parliament and an hon. Member says that this is what an hon. Member had written, it is not a matter of interest of parties.

Mr. Deputy-Speaker: Two hours had been allotted; I allowed 25 minutes to Shri More; I have already allowed 20 minutes to Shri Gopalan.

Shri A. K. Gopalan: About 57 minutes were taken on points of Order, Sir.

Mr. Deputy-Speaker: It comes within that time. Even then, non. Member has taken nearly fifteen minutes. There are two more names given by Shri Gurupadaswamy; then there are some other Members here and the hon. Leader of the House and any other hon. Member of Parliament in the Congress Party or otherwise. There are then the other groups; they might speak. Shri Frank Anthony also had written to me that he would like to speak.

Sardar Hukam Singh (Kapurthala-Bhatinda): There are a few hon. Members who are in the Opposition but who do not agree with their friends; they should also be given chances.

Shri A. K. Gopalan: As far as questions are concerned, I would point out two things. Question No. 548 was disallowed but no reason was given; it was an important question. Other questions about certain Government undertakings like the Hindustan Aircraft Factory and questions concerning the telephone industries, D.V.C., Industrial Finance Corporation and other things were asked; those questions were disallowed on the ground that they relate to autonomous bodies. There are other questions which I need not point out.

Mr. Deputy-Speaker: I shall now call Acharya Kripalani.

Acharya Kripalani: You said you would call the other Members.

Mr. Deputy-Speaker: What is it that they have to say? These hon. Members who have got a grievance had tabled the Resolution against the Speaker himself; they must say to the other people what their point is. The hon. Leader of the House had already said that they could take sufficient time; then they should wind up by referring to such points which they might answer, if at all. They are the persons who are asking for the removal of the Speaker and so they should speak.

Dr. N. B. Khare: Such a one is myself, Sir.

Mr. Deputy-Speaker: I am not calling Dr. Khare now.

Sardar Hukam Singh: Sir, I agree with my other friends that it is a serious matter that we have got before us for discussion. It is unfortunate that such a motion should be before us on the Order Paper and put down for discussion. I certainly felt pained when I found it. My position is also embarrassing because I am sitting with my friends and am siding with them. When this thing came, I found that there was some struggle in my mind and I decided to follow the dictates of my conscience which I honestly feel. I was not a Member of any legislature before 1948. So this is my first experience. I came here in April 1948 and I have worked only with one Speaker, and that is Mr. Mavalankar. So I cannot make any comparisons and I plead if other persons might have greater experience with other Speakers I have not got that.

But in spite of it, from whatever little experience I have got in these six years, I can say that I have never found an opportunity where I could allege that something has been done, a decision given or some question disallowed or an adjournment motion rejected, simply on this account where I should draw this inference that the Speaker was acting in a partisan spirit.

From what I find from the resolution it is "That this House, having taken into consideration the conduct of the Speaker of the House as regards"—there are two points mentioned—"giving his consent to adjournment motions, disallowing questions"—etc. is already ruled out—"feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House". So our discussion is limited, whether he has acted in a partisan spirit and therefore has lost the confidence which this House had in the Speaker.

Reference was made by Mr. Gopalan that as soon as he was elected he made a declaration that he was a party man, that he belonged to the Congress creed. Honestly, I should say that I felt offended then, because I thought that was not an advisable statement, and others in the country also felt like that; because that gave us an impression that he was conscious of that party affiliation, and he conveyed that impression to other people as well. But that is not relevant now. The hon. Members who have tabled this Resolution have to substantiate whether subsequent to that, in his dealings with Members, in conducting the affairs of this House, he has behaved in a manner which may be called a partisan manner, whether his conduct was ever that of a man who would not be impartial in the conduct of the business of the House.

And whatever has been said so far—I have had the advantage of listening to those grievances that the hon. Members had—so far reference has only been made that questions have been disallowed. I can claim that I am one of those Members—at least one of those, if not the one Member—who can say that the largest number of questions in my case are disallowed.

Shri Nambiar: That is a clear proof.

Sardar Hukam Singh: Yes, but I have no grouse against him. Simply

because my questions have been disallowed, should I therefore say that the Speaker is partial? Is that a ground for my coming forward and saying so (An Hon. Member: Not at all). For the smooth functioning of democracy the final authority has to be entrusted to some person whose word should be final. Unless that were there, how can we function harmoniously here? And from the reasons whenever they have been given—and sometimes they have not been given—but if it is said that a part or the whole of it was covered by another question, can I say it is party inspired? It was once remarked by the Speaker that sometimes he finds that the same Member sends the same questions again, not that other Members do, but the same Member sends the same question again. In that case he has certainly to exercise his discretion and see that the work is not duplicated or multiplied unnecessarily. Do we want or shall we be satisfied if all these questions that are tabled are here—and we have a list here of two hundred or three hundred every day—would it advance us any further? The sixty minutes that we have got at our disposal will only be sufficient for twenty, thirty or forty and that much number we have already got. If they were not scrutinised and some of them thrown out, which were unnecessary or whose answers have already been given, certainly it would not be possible for this House to function and it would be unnecessary waste of money and time. Therefore, so far as the questions are concerned nothing has been said so far in any one of these instances. Because I would have expected some questions to be brought before the House as instances where they were perfectly in order and they were not allowed. Even there it has not only to be proved that some question was disallowed; it has also to be proved that it was disallowed on account of the partisan spirit of the Speaker. Simply saying that a large number of them have been disallowed is not sufficient for our purpose.

[Sardar Hukam Singh]

Then there were adjournment motions. Really, so many have been disallowed. We are told there were eighty-nine, and eighty-six were disallowed. Then illustration is brought from England where it is a unitary government. Here law and order is for the States to see. And the Speaker has, when it comes up that such and such a thing happened, there was firing etc., the Speaker has to say that it is a State subject, he cannot interfere. Our Constitution is such that we have to draw that discrimination. We have heard our colleagues and they have discussed the adjournment motions rather than the no confidence motion. They ought to have restricted themselves and given some instances that in refusing consent to those adjournment motions the Speaker did not act impartially. But nothing was said. It was said that there were firings and so on.

Shri A. K. Gopalan: If I had time I would have given.

Shri S. S. More: You have asked us to illustrate our point. Whenever we give instances some Member....

Mr. Deputy-Speaker: It is another matter. Any hon. Member will interpret it in any manner.

Sardar Hukam Singh: My friend Mr. Gopalan has said that he would have given other instances if he had had an opportunity to do it. But then if some other Members advanced those arguments and gave those instances it would be for other friends to answer them. What I can see is that what has been said in reply so far takes us no further. I believe I am right when I say that in regard to the adjournment motions the same thing, firing etc., was said. That was not the point wanted here. What was wanted was something to show that the Speaker acted in a manner that could warrant an inference that he was not acting in an impartial manner, that he was acting in a partisan spirit. I fail to understand.

Another reference was made so far as the rules were concerned.

Shri N. Sreekantan Nair: What about Mr. Rishang Keishing?

Sardar Hukam Singh: The only thing that has been brought out about adjournment motions is that there was one instance where an hon. Member of this House had informed another hon. Member here, and he moved the adjournment motion. But the Speaker believed the Home Minister's information which was received from the police and did not allow the hon. Member here to press it.

Shrimati Renu Chakravartty (Basirhat): "I believe the Home Minister rather than you", that is what he said.

Sardar Hukam Singh: He did not allow the Member here to speak and to substantiate that there was some truth in it. I recollect that occasion. The Speaker did say that the Government has greater sources of information and primarily he would believe that. Suppose it was correct—and I would believe the hon. Member of this House that he had that grievance and actually he had been here—suppose it was so. Suppose it is a lapse. Suppose it is a mistake. And I concede that. Would that alone be sufficient to say that a no confidence motion be tabled and passed because of that one instance? Would it be sufficient? Simply because we can show that in one instance the decision given was wrong, does that suffice to table a motion saying that the Speaker was partisan in that case?

Shri Algu Rai Shastri: No.

Sardar Hukam Singh: I do not think that that conclusion is warranted or justified. The Speaker, after all, is also a human being. I do not attribute infallibility to him. He must have made mistakes, he has made mistakes; I admit that. But, does that mean that simply his making mistakes should be the basis for drawing this conclusion that he is a partisan? This is what I am pressing.

Shri Nambiar: Out of partisanship.

Sardar Hukam Singh: Unless it is shown that that mistake is out of partisanship. Nobody has said that he is incompetent. Nobody has said that he is not talented. I fail to understand whether we can get a better man than the present Speaker. I have that conviction and belief and therefore I say that without fear.

Shri Algu Rai Shastri: From experience also we see.

Sardar Hukam Singh: If opinions differ, if they say that the judgment ought to have been on this side or that, that is not good enough to warrant the conclusion that that was done out of partisanship.

Because I have no other data to which I could answer, I conclude.

Shri Frank Anthony (Nominated—Anglo-Indians): I am speaking on behalf of the Independent Parliamentary group, which is, I think, the third largest group in the opposition. The Members of this group gave their very anxious consideration to this Resolution and they decided that they could not rise to support by way of making submission and they decided further that, if the matter is pressed to a division, they would vote against it as a mark of their continuing confidence in the Speaker. I hope my friends on this side won't misunderstand us.

We are, as a group, not prepared to blindly endorse or acclaim everything that may fall from the Chair. As a matter of fact, we ventured to address the Speaker and while reiterating our confidence in him, we thought we should express the view frankly that on some occasions, perhaps, he had been unduly harsh and perhaps a little peremptory. As my hon. friend Sardar Hukam Singh pointed out, we felt that in a House full of heterogeneous elements, it is impossible to prescribe a rigid or dogmatic procedure which could be uniformly applied to every Member in the House. We also felt that if, on

occasions, the Speaker had been peremptory or unduly harsh, he had been impartial in his harshness. Perhaps he had been comparatively more harsh to the Congress Party than to the opposition. Perhaps, the Members of the Congress Party have deserved that harshness. But, there is no question of partisanship.

We pointed out in our letter to the Speaker the two matters that have been referred to by Shri S. S. More and Shri A. K. Gopalan. But, we felt that perhaps the rules were at fault and it has led to the abridging of what we consider to be vital rights of the Members in this House. I have, as a fairly senior Member in this House, always sought, where privileges of the Members are concerned, to impress on my colleagues that in this matter of privileges, we must always be on common ground, that there is no room, where the privileges are concerned, for any kind of uncritical partisan or Party attitude to come in, and that if the rights and privileges of any Member of this House, whatever his Party or whatever his political complexion, are encroached upon, the whole House led by the Leader of this House must feel aggrieved.

I think there has been a considerable confusion of issues in respect of this resolution. Certain signatories to this Resolution are aggrieved in respect of adjournment motions and points of order. They are aggrieved against the Speaker. But, my submission is that it is not the Speaker who is to blame. It is all of us in this House who are to blame. It is the rules that are defective. If the rules are defective, it is because we have abdicated not only our right, but we have shirked our duty. We are nearing the end of the life of this Parliament; yet we have not sought as a House to frame our own rules of procedure. I for one feel very strongly that the rules with regard to these two matters, points of order and adjournment motions are completely unsatisfactory. You may remember, Sir, that I had fought you on this issue

[Shri Frank Anthony]

of the right of a Member to formulate a point of order. I may mention in passing that with your ebullient good humour, to fight you is not always an unpleasant thing. I have always felt that it must be a basic concept, a pre-requisite to the proper functioning of Parliamentary democracy that every Member of this House must have an unqualified right to rise at any time to a point of order and to formulate that point of order. That was a right which was given to us even under the rules of the former Central Legislative Assembly: that is, to rise at any time to a point of order. That right continued even in this House until 1952. Then, a new rule has come into being. But, we have not done anything to qualify or protest against that rule. That rule now gives discretion to the Speaker not to allow a Member to formulate a point of order. If the rule is defective and the Speaker acts in accordance with that defective rule, we cannot blame the Speaker.

Shri S. S. More: Who framed the rules?

Some Hon. Members: The Rules Committee.

Shri S. S. More: No.

Shri Frank Anthony: My submission is, I am addressing all the Members of the House. I say that to the Members of the Congress Party and to other Members on this side. They have not only the right, but a duty—it is an inescapable duty—to see that our rules are properly framed. There is no point in having a defective rule and then, because the Speaker acts under that rule, blaming him. I say, it should be an inalienable right of every Member of this House to rise to and formulate a point of order. There is a very real reason behind this right. This is a right which was accorded to the former Central Legislative Assembly. This is a right which is

available in the British House of Commons. Because it could act as a salutary check against the Chair acting in a capricious or arbitrary manner. If the Chair can make a Member, who seeks to rise on a point of order, resume his seat without hearing his point of order, I say that would, and that does, amount to a serious violation of what I regard as an absolutely basic right of the Members of this House.

My hon. friends have also canvassed this question of adjournment motions. The point is this. Not only now, but before, under the old rules applicable to the Central Legislative Assembly, the President and now the Speaker have always been vested with discretion either to allow or not to allow an adjournment motion. Even under the old rules, the President was not bound to read out an adjournment motion. My grievance is not about the proper exercise of the rights of the Speaker. My grievance is against the rule. My friends' grievance is also against the rule. I say that the right to move an adjournment motion is a very valuable right. I am not convinced with the argument that we have got other rights, and other safety valves. If we have a rule permitting an adjournment motion, then all the consequential rights which appertain to that right must flow from that right. I say this. It is for the House to frame adequate and satisfactory rules with regard to adjournment motions. I would say to my friends on the other side, if you want,—and I say that we should want it—in respect of adjournment motions also, there should be a convention. Although the old rule in the Central Legislative Assembly was there that the President need not read adjournment motions, some convention was established and the President acted on that convention. Practically every adjournment motion was read in the House. Even if it was a frivolous adjournment motion obviously an irrelevant adjournment

motion; he read it to the House. And I say that that is a right which we should insist on. We have never had it, but it is a right which we should insist on,—and then all my hon. friends' grievances would be given a complete quietus—that any adjournment motion should be read, because it is not sufficient to say that somebody can dispose of it in his Chamber. That may be a method which recommended itself to my Communist friends for disposing of a mass of men behind closed doors. But I say that it is a privilege of mine to move an adjournment motion. It is a privilege to present my motion to the House. I say that it is a greater privilege of this House to know what my adjournment motion is, because my adjournment motion may be so patently admissible that the Speaker, whoever he is, would not dare to rule it out capriciously or arbitrarily. It is the privilege of the House to know what my adjournment motion is, so that if necessary the conscience of the House would be appropriately outraged and it would act as a brake on the Speaker exercising his rights capriciously or arbitrarily.

My submission is that if they are aggrieved, then they should see that these rules are properly amended, and rules according to their light are established. I have an appeal to make. I feel that this is a very grave charge, and as a lawyer, I have seen, quite frankly, no substance in a grave charge of this character being levelled against a person of the eminence of the Speaker. It is an extreme step, and I would make an earnest appeal to my friends on this side, not only not to press this Resolution, but to withdraw it, because I feel that if it is pressed, then the atmosphere in this House may be completely and perhaps irrevocably vitiated. Whatever we may say or profess, if this Resolution is pressed to a division, there will be constantly an undercurrent of tension. I feel that if it is pressed, what will happen inevitably will be that what the Members are seeking

will not happen, viz. that the Speaker must occupy and attain an absolutely impartial role; they will make it impossible for him to do so. If this is pressed, inevitably, the Members on this side who press it will drive the Speaker and compel him into adopting a partisan and a pro-party role.

Shri Algu Rai Shastri: No, no. He would not do it.

Pandit Thakur Das Bhargava: Our Speaker is above malice. He will always behave rightly.

Shri Frank Anthony: I agree. I am not saying that he will do it. But if people carry a motion of this kind to its logical conclusion, then inevitably, they place the Speaker in an invidious position.

May I end on this note on behalf of my Group that whatever little imperfections there may have been—to me, these are imperfections, and we have said that the Speaker perhaps on occasions had been unduly harsh, but certainly—they do not justify an extreme step of this character? On the other hand, in basic matters, we have felt, and I agree with Sardar Hukam Singh, that the Speaker has shown very exemplary independence on occasions. My friends would perhaps be the first to rule out any change in the Speaker, because I think privately he will admit that on many occasions—not only on this occasion, I think, but on several occasions we have said this he has played a signal role in introducing many conventions which we have not had before, conventions calculated to foster parliamentary democracy. For instance, in the Committee on Assurances—over and over again, my friend has been on committees with me—the Speaker has acted as a brake on executive intolerance, on the impatience of the Minister of Parliamentary Affairs, and as a definite brake on Government's trying to act in an arbitrary or highhanded manner.

I oppose the Resolution.

Dr. N. B. Khare: Although there was heat in the House this morning on account of the hon. Leader of the House's aggressive manner, voice and expression in exhorting the House to maintain a standard of behaviour, I will not import any heat in my speech. I will utter every word in an icy cold manner in conformity with the prevailing atmospheric temperature.

On the 15th instant, I rose up to ask about the fate of my adjournment motion about the foreign influence on churches in India.

Pandit Thakur Das Bhargava: This reference offends against the same rule which the Chair has been applying up till now. This happened after the Resolution was given notice of.

Dr. N. B. Khare: You are wrong. It was not so.

Till that moment, I had given no cause for any offence. Yet, the Speaker said—I am quoting from the proceedings of that day—....

Mr. Deputy-Speaker: What date is that?

Dr. N. B. Khare: 15th of December.

Mr. Deputy-Speaker: I have already said with respect to another matter to which Shri A. K. Gopalan was referring, that incidents that took place after the tabling of this Resolution ought not to be referred to. The hon. Member must have many other things before, which he can refer to now.

Shri Punnoose: If we have complaints about his conduct, after the tabling of this Resolution, then should we bring in another Resolution?

Dr. N. B. Khare: In Madhya Pradesh, in the working of the Ministry, the same thing happened. The Speaker said on the 15th instant, I ignore the hon. Member, I ignore his presence. It is very painful to hear such remarks about oneself. Clothed in temporary authority, backed by a brute and unthinking majority, he

dared to utter these words. This is not only intolerance, but the height of arrogance.

Mr. Deputy-Speaker: The hon. Member is not impeaching the Members here.

Dr. N. B. Khare: I am not impeaching the Members. I am only saying that they are backing him.

Mr. Deputy-Speaker: The hon. Member should use respectful language with respect to the other Members of the House.

An Hon. Member: The hon. Member Dr. N. B. Khare is reading his speech.

Dr. N. B. Khare: No, no, I am not reading. I am only referring to the notes, and I am doing it deliberately because no untoward words should escape my tongue.

It amounts to mental murder of a Member, albeit effected non-violently, and it is an insult to the electorate that sent him here. But in the language of Jesus Christ, I would say, Father, forgive him for he knows not what he is doing, being blinded by authority.

He may take any decisions he likes, about the adjournment motions in his Chamber, but I hold that it is my right to hear the decisions on the floor of the House. No one can compel me to go to his Chamber for that purpose.

About questions, I believe that they are dealt with in the most arbitrary manner. Here are about two dozen death warrants of my poor dry dead questions. Not one was admitted in this Session; though they dealt with important matters like education, history, home matters, burning of Hindu temples and so on, not one was allowed. My right of putting questions has been curtailed in this arbitrary manner. I protest strongly against this.

Mr. Deputy-Speaker: Order, order. I take very serious exception to the hon. Member's behaviour in this manner in the House. This Resolu-

tion must be treated more seriously by the hon. Member who is one of the sponsors of it. Now, charges have been levelled against one of the highest dignitaries of the State. And when we are entering into those charges, is this the manner in which an order of the Speaker, whatever it might be, is to be torn into pieces here?

Dr. N. B. Khare: I am sorry for it. But I shall proceed further.

These are more than about two dozen 'death warrants'. I am sure no question was allowed to be put by me because that question, I believe, would have brought out some unpleasant facts about the Government. Therefore, they were disallowed to accommodate the Government. That is my charge, and I sit down.

Pandit Thakur Das Bhargava: I have listened to this debate....

Shri S. C. Samanta (Tamluk): On a point of privilege, Sir. So many Members of the Opposition have tabled this Resolution, but up till now we have not heard what all they have to say. I would therefore request you to allow the Members who have tabled the Resolution at least the leaders of the parties, to speak first so that we may hear what they have to say.

Mr. Deputy-Speaker: The hon. Member, evidently, has not been following the proceedings. On behalf of those persons, Shri More spoke. They gave me four names, Shri S. S. More first, Shri A. K. Gopalan next, then Acharya Kripalani. I asked Acharya Kripalani to speak, but he said he wanted to hear others and therefore, I thought he waived his right. Then they had given the name of Dr. N. B. Khare. These are the four names given. Then I gave opportunity to two other hon. Members from the Opposition—Sardar Hukum Singh and Shri Frank Anthony....

Shri Nambar: They are not on the Opposition.

Mr. Deputy-Speaker: They are leaders of groups. It is not that I should call Members from one group alone. I have to regulate the debate. I have got here in writing from Shri Gurupadaswamy saying: Speakers on the Resolution of non-confidence—Shri More, Shri Gopalan, Acharya Kripalani and Dr. Khare. I have called upon all these Members and Dr. N. B. Khare is just on his legs.

Dr. N. B. Khare: I am satisfied.

Acharya Kripalani: May I explain that I did not speak when you called upon me to speak because I found that you had circumscribed the scope of the Resolution. The scope of the Resolution was not like that. The scope of the Resolution was wider.

Mr. Deputy-Speaker: That is all right.

Acharya Kripalani: You do not expect me to go into the details of what the Speaker did at this time or at that time. I can talk about the general attitude which, you say, we are not entitled to talk. I can talk about the general attitude, the whole tone in which the proceedings were conducted, and that is relevant to the question. Therefore, if you give me an opportunity afterwards, I will speak.

Mr. Deputy-Speaker: I have already ruled that a general denunciation, unless there are particular instances referred to, as have been referred to and alleged on the one side, cannot be allowed. I have called upon Pandit Thakur Das Bhargava and in due course I will request the hon. Leader of the House if he wants to speak. I have already given a ruling that on matters such as this a general denunciation is not allowed.

Shri M. S. Gurupadaswamy: May I make a submission?

Shri Sarangadhar Das (Dhenkanal—West Cuttack): May I speak?

Mr. Deputy-Speaker: I gave my ruling at 11 O'clock in the morning that I am not going to allow it.

Shri Sarangadhar Das: I am one of the signatories to the Resolution. If you will allow me, I will cite a specific instance.

Mr. Deputy-Speaker: On behalf of the signatories, four names have been given. I have called all the four hon. Members.

Shri N. Sreekantan Nair: There are others who voted, but who have not signed the Resolution.

Mr. Deputy-Speaker: I am not prepared to call them. I am entitled to regulate the debate. I cannot allow every single hon. Member who has signed the Resolution to speak. On behalf of the sponsors, Shri Gurupadaswamy sent me four names. I have called all of them. (*Interruptions*).

Shri Nand Lal Sharma (Sikar): No other people are going to be given a chance?

Mr. Deputy-Speaker: No, no. (*Interruptions*). The proceedings cannot be disturbed like this. I have given ample opportunities to hon. Members. I have called every one of them.

Shri Nand Lal Sharma: What about unattached people who are not signatories?

Mr. Deputy-Speaker: If there is time, they will be called.

Pandit Thakur Das Bhargava: Sir, I have listened with great patience to the speeches of my hon. friends who had to say anything against the hon. Speaker of this House. I am extremely sorry to say that I expected that they would bring some accusations before this House....

Shri Syamandan Sahaya (Muza-farpur Central): Why should he be sorry?

Pandit Thakur Das Bhargava: because the House would then be able to deal with them. I am sorry at the fact that these gentlemen, for whom so much has been said by Shri More, former Judges of High

Courts and leaders and Presidents of Congress and all that, could so flippantly and so lightly bring a motion of this sort in this House. I am sorry for that.

Shri Algu Rai Shastri: Exactly.

Pandit Thakur Das Bhargava: I knew there would be no valid accusations and no instances. I was perfectly sure about it, and I am even now more perfectly sure about it. I will read out to the House what happened on the 3rd December. If it is only to be judged by what happened here then, then I can say with absolute certainty that the behaviour of the Speaker was perfectly consistent not only with rules but with impartiality.

Shri S. S. More: That is your reaction.

Pandit Thakur Das Bhargava: Kindly hear me. I have heard you. At the same time, I maintain that the attitude of some Members who on that occasion took part in the debates on 3rd December was extremely wrong. I will just quote from what happened on that day and the position as it was then. Now, a motion was brought in this House by Shri M. S. Gurupadaswamy in respect of certain 'satyagrahis', as he called them, and the motion read like this:

"The situation arising out of mass *satyagraha* movement in Manipur demanding the restoration of the State Assembly and the dissolution of the nominated Advisory Council; and the subsequent terror, repression and assault on peaceful *satyagrahis* on the 18th November 1954 and further action involving the arrest of Mr. Rishang Keishing, M.P. and Mr. Somrendra Singh, former Minister for Jails, and thus causing a grave infringement on fundamental rights and liberties of the people".

These are the words of the adjournment motion. Now, as soon as it

was placed before the House, the hon. Speaker asked the Minister of Home Affairs and States to say what he had to say. Dr. Katju told the House that the language used was 'picturesque' and further that 'there have been no terrors, no repressions, no assaults'. Then he suggested to the Speaker that a short notice question might be allowed. And what did the Speaker say? He said; no.

"I think the hon. Member who has tabled this motion is likely to feel that a short notice question might bar the further consideration of the adjournment motion"

So he did not accept the hon. the Home Minister's suggestion, though he had made it in absolutely good faith, as has been proved by what was said subsequently. All the same, the Speaker held that if he allowed a short notice question, then the Member would lose his right to move the adjournment motion. Is this partiality or impartiality?

Shri Algu Rai Shastri: Impartiality. (Interruptions).

Pandit Thakur Das Bhargava: I have gone through every word of what happened on that day. Do not be impatient.

Then again, the Speaker asked the hon. Minister when he would be able to make a statement. The Minister said that there is a great distance between Manipur and Delhi and, therefore, he would require some-time. He said:

"You may be pleased to give two days because communications with Manipur are not always easy".

Then again, Shri Gurupadaswamy rose up and said:

"I have received telegrams stating certain facts".

I may just submit here, before I go to the other aspect of the question, that so far as these adjournment motions are concerned, the rule is

that they are sent to the Secretary, to the Chair and to the Minister concerned, and after that unless the Speaker gives his consent, no motion can be allowed. This is our rule. This is not the rule here alone, as Shri Frank Anthony pointed out. According to the House of Commons practice, this is their general rule, and it is for very good reasons that this general rule has been in existence for a very large number of years.

Then again, Shri Gurupadaswamy made a statement; it is entirely wrong to suggest that he was not allowed to make a statement; he did make a statement, more than a statement, I should say. He said this:

"I have received telegrams stating certain facts. I want the Minister to ascertain those facts also and then make a statement".

And what was the statement that he wanted to make?

"The fact is that Mr. Rishang Keishing was beaten and dragged and thrown into a ditch with head bleeding and he was arrested later on. Of course, we came to know that he was arrested subsequently. We want to know whether it is a fact".

This was the statement made. Now, to say that he was not allowed to make a statement is not correct.

Shri S. S. More: Was it a statement or only giving some facts?

Pandit Thakur Das Bhargava: Kindly hear me. This is not the way to interrupt. I would like interruptions on any other occasion hundred per cent. interruptions, but on this occasion, I would beg of him not to interrupt.

5 P.M.

Then again, after that, Shri Gurupadaswamy said that he would not be present in the House on the 25th.

"I will not be here because I have to go to Nagpur. That is my personal difficulty. It will be better if it is taken up on the

[Pandit Thakur Das Bhargava]

24th. This is my personal difficulty. I am going on the 25th to attend my Party convention. After all, it is not relevant here. I just request the hon. Home Minister to make his statement the day after tomorrow so that we may...."

To this Dr. Katju nodded dissent. Then the Speaker said: "He nods his head. He says it is impossible. There is another alternative also." Then Shri Amjad Ali intervened and after that the Speaker said: "Two days means exclusive today." Shri Gurupadaswamy then asked: "At least, can I entrust it to somebody else?" The Speaker replied: "In case the hon. Member is not likely to be here on the 25th, we will take up the matter two days after, when he returns. That is the better course." Is this partiality or impartiality. (Interruption.) You keep yourselves patient, I will read further.

Then on the next occasion when this matter came up before the House the hon. Minister for Home Affairs and States made a statement. I will not take the time of the House in reading that statement, it is a long statement.

An Hon. Member: Why? That is the important thing.

Pandit Thakur Das Bhargava: If the House agrees to stay for 5 hours I will read every word of it.

Mr. Deputy-Speaker: The hon. Member may go on.

Pandit Thakur Das Bhargava: I will not read the statement. The House can read it. In this statement, I shall say briefly, the hon. Minister for Home Affairs and States stated that Shri Rishang Keishing was never arrested. The House knows that under rule 257 if an arrest of a Member of Parliament is made, then the Member arrested or the Officer in charge should send information to this House. So far no information has come to this House

and never in any statement has it been said that Shri Rishang Keishing was arrested. It has never been said so far. Therefore, I am submitting on the main facts as stated in the Adjournment Motion. All these facts were proved to be wrong when the Speaker got the facts from Dr. Katju. In his statement he stated that there was no *Satyagraha* at all. He stated there were no terrorists; nothing of the kind. After that he gave the entire thing as happened on 18th November and then he stated that there was no lathi charge also. It was on the 25th.

Shri Rishang Keishing (Outer Manipur—Reserved—Sch. Tribes): Just now the hon. Member was quoting what Dr. Katju stated. I say, that statement was wrong, because I am myself present here now.

Mr. Deputy-Speaker: We are not going into that matter now. We are not taking evidence as to whether that statement is correct or not correct. The only point is about the position of the Chair. (Interruption). Order, order. Both hon. Members may kindly sit down. We are not going into the question whether the statement is true or false. The only question is: what is the position so far as the Speaker is concerned? What is he to do and if he has done anything, is he in the wrong? That is the only point.

Pandit Thakur Das Bhargava: In this statement it is said that the hon. Member was never arrested, and further

Some Hon. Members: He was arrested.

Pandit Thakur Das Bhargava: Sir, what are we discussing? Are we discussing in respect of Shri Rishang Keishing or partiality of the Speaker? Those Members who are interrupting do not know what is the issue. The issue is not whether Shri Rishang Keishing was arrested or not. If he was arrested.....

Shri S. S. More: The point that we are making was not accepted by Government.

Mr. Deputy-Speaker: Hon. Members may know that we are not now deciding as to whether this version is right or that version is right. The question is what is that the Speaker has to do in the circumstances. Where, in the ordinary course he may admit or reject a motion, if even in the ordinary course he has done so, there may be differences of opinion regarding the correctness or otherwise and whether that is on account of partiality. That is the only point here. Therefore, we are not going into the exact question as to whether Shri Rishang Keishing was arrested or not arrested and whether one version is true or not.

Pandit Thakur Das Bhargava: If it is true that Shri Rishang Keishing was arrested then I have got my full sympathies for him and I am one with him in seeing that whatever has been done wrongly is righted. The whole Government is bound to assist him. We will not allow this thing to be done. At the same time I beg to submit here, that is not the point, I maintain that even if he was arrested and the official version was different, the Speaker had only one course to adopt and it would not have been within his right to adopt of contrary course. I will give all the rulings before the House as to what the Speaker should have done and what he should not have done.

Mr. Deputy-Speaker: I am to call the leader of the House next, therefore, hon. Member may be brief.

Pandit Thakur Das Bhargava: Now, Sir what happened was this. On the other day when the hon. Home Minister read out that statement, Shri Gurupadaswamy stood up and said: "May I make a submission?" The Speaker asked: "Have you got any personal knowledge?" to which he replied: "I have none". He said: "I have received telegrams." Then the

Speaker said:

"I do not think I need go by the telegrams which the hon. Member may have received. Here is authentic official information which is certainly more reliable, and I do not think I need give my consent to this adjournment motion."

Shri S. S. More: Is not that partiality?

Pandit Thakur Das Bhargava: If Mr. More calls this statement of fact by the hon. Speaker as partiality, then he has to undergo some operation of his brain.

Shri S. S. More: He is my surgeon.

Pandit Thakur Das Bhargava: I am giving him something worse. There are three authorities on this point and I am quoting those authorities before the House. A Speaker is himself bound hand and foot by the precedents of the House.

Shri S. S. More: What are those precedents?

Pandit Thakur Das Bhargava: Have patience; I will tell you. The Speaker cannot always make precedents himself. First of all he has to follow the past precedents and then for the future he makes precedents. There are three precedents of this House in which the present hon. Speaker and other hon. Speakers previously have held that the official authentic version is the last word on the point. If Dr. Katju made a statement to this House, which according to Shri Rishang Keishing was not right, then the House had another course. They could certainly table a no-confidence motion against the Minister that he is not giving the right facts. So far as the Chair is concerned, the Chair is bound hand and foot to accept the authentic official version and no other version. (*Interruption*). I am quoting the ruling made in 1940 on pages 684 and 685 of the debates. In that case some Patwaris from U.P. came to hear the speech of our leader in 1940 and they were dismissed.

An Hon. Member: 1935.

Pandit Thakur Das Bhargava: Then Shri Mohanlalji brought in a motion saying that those persons were dismissed on that account. The Speaker referred the matter to the Government and the Government stated that it was not on that account they were dismissed but because they neglected their duties. This was accepted as an authentic official version and on that basis the adjournment motion was not allowed. (*Interruption*). I am not yielding, Sir. On another occasion in 1943, there was a question of *Idgahra* which came before the previous Speaker—not Shri Mavalankar. In that case the complaint was that the Government troops had occupied some *Idgahra*. Then the authentic official information was that it was not true. A telegram was produced and all kinds of pressure put on Sir Abdur Rahim but he said that he was bound by the official version and he cannot go beyond that. Similarly, in 1950 in our own House a matter was brought before the House that on the borders of Pakistan there was some collection of troops. The Government was asked to give a reply and the Government gave a reply. Then our own Speaker held that that was the authentic official information and he cannot go beyond that. Then, for the interest of lawyer Members I would refer them to section 153 of the Evidence Act which says that no person can be contradicted on his reply to questions asked for shaking his credit. Subsequently case of perjury may be made against him but he cannot be contradicted. That is only by way of an analogy.

I am very sorry I am taking the time which I wish to be taken by the Leader of the House. But, with your permission I will read out the further proceedings.

After the Speaker said: "I do not think I need give my consent to the adjournment motion", that is the time when all proceedings should have stopped. According to me, when an order is pronounced by the Speaker "I do not give my consent", that is

the end of the motion. But, what happened? Shri Gurupadaswamy said: "This official report is not authentic. It is prejudiced and one-sided." Those who take things like this and say that the Government version is prejudiced and one-sided, they have yet to mend themselves.

Shri S. S. More: We are emulating you.

Pandit Thakur Das Bhargava: Again, the Speaker said: "The only point that I have in my mind is that I do not wish to allow the hon. Member to use the floor of this House for spreading information which may have no basis at all. Here is the official report which is certainly far more reliable than any telegrams or any letters received." Some people may think that whatever they say is correct. But the floor of this House cannot be utilised for this purpose. It is entirely wrong to utilise this House like this. It is obviously for propaganda purposes.

Shri M. S. Gurupadaswamy: On a point of order. I want to know whether the hon. Member has a right to say that my party is interested in making propaganda and in making use of this House for that purpose.

Mr. Deputy-Speaker: Some hon. Members from the Opposition side have tabled this motion. Is it not open to the other side to say that this is all for the purpose of propaganda and that there is no substance in it? I do not think there is any point of order.

Pandit Thakur Das Bhargava: Then the Speaker said that "it is wrong to use the floor of the House for purposes of giving the reports which are merely," etc. etc. Then, several hon. Members rose. They do not behave in this House in the way in which ordinarily Members should behave. Supposing it is a matter between myself and the Chair, if the Chair gives a ruling, I should or should not accept it. But every time when the Speaker rises to give a ruling, groups of Members rise up as if they are always op-

posed to the Speaker or should always oppose him. Is it right? We must have full confidence in the Speaker and then the Speaker will behave towards us quite justly. Then Shri Asoka Mehta rose and said, "May I point out one thing?". The Speaker said: "I am not going to give my consent to this adjournment / motion". Well, this was the second time when the ruling was given. Then Shri Asoka Mehta said that "one of our colleagues, who is a Member of this House, is involved in it" and asked whether he could be permitted to point it out to the Speaker. The Speaker stated: "It is a question of weighing evidence and giving *prima facie* weight to facts coming. I give *prima facie* more weight to this. I do not give much weight to reports coming from interested quarters". Nowhere in the entire proceedings is it said that Shri Rishang Keishing was an eye-witness. It was not said at all. Then, further on, Shri Asoka Mehta said, "He is a Member of this House". The Speaker observed that it did not make much difference. He was quite right in saying so. In matters of this kind, I maintain that when the official version is there, the statement of one Member here is not sufficient to destroy the effect of the official version. Then, Shri Gurupadaswamy said that Government also are interested. Then the Speaker said that "it is their business to maintain law and order". Then Shri More said—I want to refer to what he said, because he just said in the House today that the Speaker was the pivot of the democratic institution and he quoted the House of Commons—or rather, he put this question vociferously: "Is this democracy?" So such gentlemen behave and say that the Speaker is there to hear what these gentlemen may have to say and not to control the House. This is an intolerable situation. If they behave like that, we should never allow such persons to speak in this manner. To this insult and impertinence, Mr. Speaker said: "It may be anything. I do not want to hear anything more on this point". He never said that the question was in-

sulting or bad. Look, at his coolness, look at his calm judgment, look at his spirit of toleration. Then, Shri Raghavachari said: "May I make a submission"? Twice, the consent was not given. The matter was closed. Yet, Shri Raghavachari asked: "May I make a submission"? Mr. Speaker said that the Member can have a discussion with the Speaker in the Chamber. Shri Frank Anthony ridiculed the idea of Chamber. Many of the Members do not know that the Chamber is part of this House. It is not a private Chamber. I can show from the Rules that it is so. Then Shri Raghavachari said: "It is not for private talk". Is this the manner in which Mr. Speaker should be spoken to? Does the Member imagine that the Speaker wanted to enter into some contract, or private contract, with him? Then the Speaker said: "I am proceeding to the next business". Then again, Shri Gurupadaswamy raised a point of order. What is this point of order? I may just point out here what Mr. Attlee has said about such a point of order. He said that this is usually the practice when a man does not get a hearing from the House or the Speaker, and only then he says, "A point of order". Again, Shri Gurupadaswamy said: "On a point of order". The Speaker said: "No points of order now". He added: "There is no point of order. He can discuss the matter with me in the Chamber". After the ruling was given that there was no point of order, no point of order could again be raised on the same matter. In the *Rules of Procedure and Conduct of Business*, it is said in rule 376 that a point of order shall arise only in respect of the interpretation or enforcement of the rules. It can arise in respect of a matter before the House 'at the moment.' When a ruling had been given, and the next business was called, what was the point of order in respect of matters which were closed? I can quote from the House of Commons, from Campion and Jennings, that in a matter like this, when one matter has been closed, no point of order could be raised in respect of

[Pandit Thakur Das Bhargava] that matter and no point of order can be discussed in this House. That is the law. Please see page 60 of the book by Jennings. When the Speaker gives a ruling, the point of order cannot be discussed or criticised in the House. This is the present law. My friend, Shri More, was quoting the practice in the House of Commons. Let him please study it first.

Shri S. S. More: You are quoting.

Pandit Thakur Das Bhargava: You started with the quotations. Proceeding further, the Speaker said: "He can discuss the matter with me in the Chamber" Shri Raghavachari said that "this kind of treatment is not justifiable". Is it the way in which the Members should behave? Again Shri N. C. Chatterjee—that learned ex-High Court Judge—rose up and asked: "Can you rule out the point of order"? Is this the way in which any Member of this House should behave? He asks: "Can you rule out the point of order"? The Speaker replied: "There is no point of order. It is no use insisting upon that thing, because there is no point of order". I say there was no point of order.

Mr. Deputy-Speaker: The hon. Member has quoted enough.

Pandit Thakur Das Bhargava: I shall read only one more point. For the third time, the Speaker said: "I am not prepared to give consent to this motion." then rose Shri A. K. Gopalan to say "You must hear the point of order". As soon as the Speaker replied to this, Shri More rose and asked: "May I know under what rule?" Instead of knowing the rules and allowing the Chair to proceed, they ask him: "Under what rule?"

Shri S. S. More: What is wrong?

Pandit Thakur Das Bhargava: I have got the printed copy of the debates. It is quite easy to refer to it.

Mr. Deputy-Speaker: The hon. Member may resume his seat.

Shri Jawaharlal Nehru: Mr. Deputy-Speaker, this, as several hon. Members have observed, is a serious

matter. It is true that to a large extent, the hon. Member, one of the signatories who sits opposite, Dr. Khare, tried as usual, to reduce it to the level of a farce. But it is not a farcical matter because there is some element of tragedy in this. It is as well that this House realises what we are talking about and what we might decide. As a matter of fact, whatever we may decide—the decision is clear enough—sometimes things are done which cannot be undone. If you break a precious porcelain vase you cannot put it together. When something has been done, it unfortunately cannot be undone.

I should like to address the House, if I may, in my capacity and the high privilege of being the Leader of this House and not as a leader of the majority party. So far as this majority party is concerned, I should like to tell them that not one of them is bound by any whip or any direction; let them vote as they like. It is not a party matter. It is a matter for this House, for each individual, to consider, regardless of party affiliations. Therefore, let us try to think of it not as a party issue but as Members of this House, because this matter affects the hon. Speaker, of course, but it affects the high dignity of this House as Parliament, it affects the first citizen of this country, that is, the Speaker of this House. It is a serious matter when the honour of Parliament is concerned. What is said about the Speaker, what is done about the Speaker comes back on each one of us who claim to be Members of this hon. House. I wish Members to realise this because I have felt sad and very sad—over since this matter came up before the House. We have known the Speaker for many years and we have seen him function and it is possible that some of us may not have exactly the same opinion about him as others have; it is possible. It has so happened that some of us have not particularly liked a decision of his or a ruling of his; some of us, may be on that side of the House or on this. It is one thing not to like

a ruling or to disagree with it or even to feel, if I may say so, slightly irritated about something that has happened. These things happen. But, it is completely a different thing to challenge the *bona fides* of the very person in whose keeping is the honour of this House. When we challenge his *bona fides* we betray before our countrymen and indeed before the world that we are little men and that is the seriousness of the situation. It is for you to decide because we are displaying to the world and to our country that we are little, quarrelsome men who indulge in frivolity, who indulge in accusation without thinking what that means and without thinking what the consequences of it might be.

You, Sir, said a little while ago that you will not permit general denunciations. If I may say so, with all respect, it was the only thing to say and to do. It is amazing that in regard to the head of this House, the Speaker of this House, any individual should indulge in any idle talk or general denunciation because he does not like his face, he does not like his tone or does not like anything which he says. It must be specific, pointedly and deliberately something that is so obvious that nobody can ignore it. Here, what have we seen this afternoon? The hon. Member who first got up and spoke about this motion—not the proposer—but Mr. More in his soft and gentle voice, which often contains many bitter things, went on and told us of what happened to the head of a King in England in the 17th century. He told us of the practice of the British House of Commons 200 years ago and all that. I listened with amazement. Here was a serious matter, here we are in the middle of the 20th century, in the Republic of India; and, we are told about what happened in the middle ages or some other time in England. It is true that we follow, to a considerable extent, the practices of the British Parliament. But it is also true that even the practices of the British Parliament are not governed today by what happened in the 17th century there. But,

apart from that, we are not concerned with what happened in the British Parliament. We are concerned with the honour of our Parliament, we are concerned with the honour of the person who holds up the dignity and the prestige of this Parliament. I do not say that it is not possible at all to raise a motion against the Speaker. Of course, the Constitution has provided it. Nobody challenges the right of the Opposition or any Member of the House to put forward this motion. I do not deny that right since it has been given by the Constitution. The point is not the legal right but the propriety, the desirability of doing it.

And, in this matter, it might have been possible, perhaps, that the Speaker might have erred. I do not think he has erred in this matter. I think he has been 100 per cent. right. He has been right. I challenge anybody to tell me here or elsewhere in what particular way he has been wrong in this particular matter. I say, if I have your permission to say so, that any Member presiding or sitting here as the Speaker would have done exactly the same thing. I say there are Members on the Panel of Chairmen, if any of them had been here, I do submit, to this hon. House, that they would have had to decide the same way. It was not whether the question was not one of fact. You cannot convert this House into a forum where evidence is led, as the Speaker said; it cannot be done. This House is meant, either by a motion of adjournment or by questions, to bring certain facts to the notice of this House and through this House to the country at large. That is all that can be done. Then they can be proceeded against and they can be pursued in other ways. There is a question. The question is asked and the answer is given. It may be, of course, probably that the answer is wrong; it may be deliberately wrong or it may be by mistake. Whatever it is, it ends there. You cannot argue it out.

So also, in the matter of an adjournment motion, it is inevitable—and I think Mr. Gopalan recognised it—that the Speaker's ultimate decision has to

[Shri Jawaharlal Nehru]

prevail. The objection was that he gave his decision without giving an opportunity to the other party to say something. Now, that is a matter with which Pandit Thakur Das Bhargava has dealt with, I think, very adequately. But, if I may say so, on the first occasion that this was raised, the Member who raised the matter had his say—Number One say—and then the Home Minister, on behalf of the Government, was asked for his version of the facts. He gave his version of the facts. There the matter normally ends, because the rest is argument. It may be carried on in some other way. But, at that moment, it cannot be carried on. Each Member can challenge the fact given by Government at the proper time and take such steps as he feels. But, at that moment, it cannot be done. The Speaker has to go to something else.

Mr. Anthony talked about the Rules etc. May be the Rules are good or bad. I do not know. We are not discussing the Rules here. We are considering the position as it is today in accordance with the Rules. But when Mr. Anthony or any other Member went on to talk about the Rules suppressing something or the practice or convention growing up, or the Speaker being hard and harsh about motions of adjournment and questions, I pinched myself and wondered whether I was hearing right and what is all this about. May I ask you to get particulars about every Parliament in the world, wherever it may be, in the North or South, in the East or the West and try to get a list of adjournment motions, the numbers that are moved, the number of questions that are put there? I think it will be useful if we knew. So far as the House of Commons is concerned—I have no figures with me, but I have an idea...

Pandit Thakur Das Bhargava: I have got all the figures with me. I can quote the figures if you order me.

Shri Jawaharlal Nehru: I do not want that; he may do it later; but, it

is once or twice a year. We have it three times a day. Just conceive of it. So also about questions. Nobody can possibly say that we lack questions. In fact, we cannot deal with all of them. Can you imagine the enormous amount of time and money that is spent in gathering facts for answering twenty or thirty thousand questions? The whole apparatus of Government is functioning like that. Daily telegrams are going all over the country to get facts. Now, hon. Members—some of them—say that they are suppressed and Dr. Khare's questions are disallowed.

Dr. N. B. Khare: All of them.

Shri Jawaharlal Nehru: So, just look at this picture. A motion for adjournment—as Mr. Anthony said and I entirely agree with him—is a valued and precious right. But, every valued and precious right can be so misused as to become a nuisance, and lose all its value. You debase it if you use it in that way. Here is a special thing which has importance because it is used only on a special occasion, for a special purpose and when it is thus used, it attracts the attention of the country. What is it today? There are three motions of adjournment a day; that would not attract the attention of anybody.

An Hon. Member: Eighty-nine in three years.

Shri S. S. More: The Congress Party tabled far more adjournment motions in the past.

Pandit Thakur Das Bhargava: Against a foreign Government.

Shri S. S. More: We are doing it against an autocratic party in power.

Shri Jawaharlal Nehru: So far as the rules are concerned, I am not going into them. I do submit that it does not matter who the Speaker is, he has to function in the manner, if he is to function impartially, that our Speaker functions.

I listened to a number of speeches delivered from the opposite side and

I want to say no harsh word, but I was amazed at this extraordinary exhibition from the other side....

An Hon. Member: Of what?

Shri Jawaharlal Nehru: It was an exhibition of incompetence, frivolity and lack of substance. It is astounding.

Pandit Thakur Das Bhargava: Lightheartedness.

Shri Jawaharlal Nehru: It is said again and again and Shri More rolls over history—the seventeenth and eighteenth century....

Shri S. S. More: Only glimpses of world history.

Shri Jawaharlal Nehru: I suggest to the hon. Member to read that well-known book carefully. Some other hon. Member, Acharya Kripalani, said that he was speaking only on questions of general denunciations or general invectives, not on any particular matter. Is this the way to deal with anybody, the humblest of persons, much less the Speaker of the Lok Sabha of the Indian Republic?

Acharya Kripalani: I did not say 'general denunciations', but I said 'general attitude'.

Mr. Deputy-Speaker: That is not a charge here.

Shri Jawaharlal Nehru: I take it that Acharya Kripalani stated that the general attitude was bad, was unfair, was partisan, was all that, otherwise he would not have signed that document.

Acharya Kripalani: Quite right.

Shri Jawaharlal Nehru: I would beg of hon. Members sitting opposite, those who have signed it and those who in duty bound have supported it, to read that thing which they have signed. It is a vicious thing they have signed. I doubt whether the persons have read it before they signed it. If they had read it, they would have hesitated a hundred times before they signed that document.

Shri S. S. More: Are we Ministers here to sign without reading?

Shri Jawaharlal Nehru: I wish to make an exception in favour of the Communist Party, because I do not expect any sense of responsibility from them, but I do expect, even according to their own proclamations elsewhere, that they do not believe in democracy or a democratic set-up.

Shri Sadhan Gupta (Calcutta South-East): Absolutely false.

Shri Jawaharlal Nehru: Do you then believe in democracy?

Shri A. K. Gopalan: We have come here to get the democracy from you. You said we have no faith in democracy. We have come here because democracy is in your pocket and we understood that democracy is to be shared.... (Interruptions).

Shri Jawaharlal Nehru: I hope Shri Gopalan will repeat that every morning so that gradually it might have some effect on his thinking and action.

I would submit to this House that a motion of this character being brought up in the House is an extraordinary procedure, which could only be justified under extremely grave circumstances. It is a very serious matter. I have no details with me about other places, but elsewhere, so far as I know it is a very serious and very very rare thing.

Pandit Thakur Das Bhargava: During the last 130 years in the House of Commons, such a motion has not been tabled even once.

Shri Jawaharlal Nehru: At any time! And yet seeing the manner in which this has been brought forward and the wording used here, I say it is a gross abuse of one's intelligence and to ask anybody in this House to support this is to consider that man utterly lacking in intelligence.

Mr. Deputy-Speaker: Has Shri Missir got anything to say?

Shri Missir nodded dissent.

Shri Sarangadhar Das: May I say a few words?

Mr. Deputy-Speaker: We have exceeded the time.

Shri S. S. More: May I bring to your notice one fact, namely, that the time fixed was up to six?

Mr. Deputy-Speaker: It was 3-30 to 5-30 P.M. We started two or three minutes late....

Shri Punnoose: Even when the time was fixed, we said that it was insufficient. Will you please look into the number of speeches delivered?

Mr. Deputy-Speaker: Nothing more can be said. There is no good creating an impression that any discussion, well-meant or intended, was hushed. He has seen that all these hon. Members who have put in their signatures are moving together. Their spokesman, Shri Gurupadaswamy, was coming to me for this purpose and asked me twice or thrice and ultimately submitted his list. Shri Gopalan's name is here and I called him. Therefore, Shri Gurupadaswamy represents the Communist Party; likewise he represents Acharya Kripalani's Party, he also represents Shri More's Party. There is no need for saying again and

again and enough opportunity has been given. The question is:

"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."

The motion was negatived.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 20th December, 1954.