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# JOURNAL OF CONSTITUTIONAL AND PARLIAMENTARY STUDIES

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## EDITOR'S NOTE

Journal of Constitutional and Parliamentary Studies has been regularly published by the Institute of Constitutional and Parliamentary Studies (ICPS) since 1967. However, due to certain internal issues beyond our control, publication of the journal has been inordinately delayed. The compelling circumstances arising due to the spread of Covid-19 pandemic further aggravated the problem resulting into unprecedented delay in the publication of the journal. The inconvenience caused thereby to the readers and subscribers is deeply regretted.

ICPS has instituted series of fourteen Memorial Lectures in reverence of the stalwarts who have contributed significantly in the field of constitutional and parliamentary studies and have been authorities in their own right.

Lectures under the different series of memorial lectures have been organised by the Institute from time to time. The lectures have been delivered by eminent scholars having vast experience, knowledge or both in the field of constitutional and parliamentary studies. Even though the Institute has organised 59 such lectures so far, yet, lamentably, the contents or text of all of them is currently not available in the Institute.

With a view to preserve the vast treasure of knowledge and wisdom on the subject thus generated and to benefit the readers and the posterity with the same by placing it in wider public domain as also to expeditiously remove pendency in the publication of the journal, it has been decided to publish the contents or texts of all the available lectures in forthcoming issues of the journal commencing with its 2019 issue.

It may be clarified in this regard that the scripts of the lectures published in the journal are the unedited scripts thereof (in whatever form published by the Institute earlier or have been otherwise available in the Institute, as the case may be) and, accordingly, neither the editor nor the Institute claim exactness of the text.

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# THE LEGISLATIVE PROCESS IN THE HOUSE OF COMMONS\*

*J.A.G. Griffith\*\**

Mr. Vice-President,<sup>#</sup> Dr. Singhvi, Mr. Daphtary, Ladies and Gentlemen, I am honoured to be asked to deliver this Memorial Lecture. A lecture of this kind, on a formal occasion of this kind, should be prepared at great length and read with great care. Dr. Singhvi has told you that the invitation which came to me was only recently received. I, therefore, apologise before I begin; thus, I hope, covering all my faults and all the weaknesses of this lecture by pleading that I had not sufficient time to write it and read it to you in a formal manner. It is always good thing when addressing a distinguished audience to have some built-in apology for one's own deficiencies before one begins. Thus, one may hope at one and the same time to depart with one's reputation not unduly lowered, and at the same time engage the sympathy of the audience.

The subject I am going to speak on is the *Legislative Process of the House of Commons*. Now, clearly it would be tedious for me to speak to this audience on a subject of this kind in an elementary way, especially as, in this particular case, your own procedures are so similar to those of the UK. What I, therefore, propose to do is to take some points which have recently arisen, or some developments which have recently occurred in the working of the House of Commons, to draw your attention to those and to hope that possibly some of them may be of some interest to you in this country. I should say, however, that although I am in some part familiar with the working of your own assemblies, I shall not be commenting on them. That would be most unwise as well as presumptuous.

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\* Script of the Second Vithalbhai Patel Memorial Lecture delivered by J.A.G. Griffith, organized by the Institute on February 25, 1972.

\*\* Professor of Public Law, London School of Economics and Political Science, London School of Economics.

# Dr. G.S. Pathak, Vice-President of India, was in the Chair.

# SOME REFLECTIONS ON THE CIVIL REVOLUTION IN INDIA \*

*G.S. Pathak\*\**

## Lecture-I

(Delivered on May 6, 1972)

I deem it an exceptional privilege to be invited to deliver these lectures<sup>#</sup> which associated with the name of one of the greatest sons of India, Motilal Nehru was one of the rarest personalities I have had the good fortune to meet. I watched him arguing cases in courts when he was at the zenith of his professional career; I heard him delivering public speeches before large audiences when, as a masterful leader of the national movement, he was in the thick of the freedom-fight. In the profession he left a tradition, a legend, an indelible impress on the history of advocacy in court. He became a living inspiration to generations of lawyers.

2. Sacrifice was the test of leadership in those days and the spirit of sacrifice which animated his heart and soul could not be better expressed than in his own words: "The ambition to work for the independence of one's own country and to die for it cannot be thwarted by any human agency. We shall continue to work on these foundations until we drop down dead, and be buried in them... We shall drop down dead in the supreme satisfaction that the noble edifice of the freedom of India shall, in the fullness of time, rise on our bones." That noble edifice was built twenty-five years ago and I should think that in its magnificence it is unsurpassed.
3. When Lord Birkenhead threw the challenge to Indian statesmen to produce a constitution, Motilal Nehru accepted the challenge

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\* Script of the Second Motilal Nehru Memorial Lecture delivered by Dr. G.S. Pathak, organized by the Institute on May 6 & 7, 1972.

\*\* Vice-President of India.

# Dr. G.S. Dhillon, Speaker, Lok Sabha and the President of the Institute, was in the Chair on both the days the lecture was delivered.

# THE PHILOSOPHY OF NATIONAL INTEGRATION - It's Broad Imperatives \*

*P.B. Gajendragadkar\*\**

## LECTURE-I

(Delivered on November 27, 1972)

Mr. Speaker,<sup>#</sup> Dr. L.M. Singhvi, Ladies and Gentlemen

I deem it a proud privilege that the Institute of Constitutional and Parliamentary Studies has given me an opportunity to pay my tribute to the memory of Jawaharlal Nehru by inviting me to deliver the third Jawaharlal Nehru Memorial Lecture this year. During his epoch-making career in the history of India, Jawaharlal Nehru occupied a dominant place in the lives of his countrymen; but, under the lengthening shadow of time, the younger generation may not be able to capture the charisma of his personality which captivated the contemporary world in India and abroad.

Endowed with a handsome and winning personality, eyes glowing with idealism and compassion for the world, dynamic and aristocratic bearing, quick in movement and quick in action, broad, comprehensive and forward looking in approach, vigorous and inquisitive in mind, the great exponent of modernism in India, the unrivalled champion of the cause of the poor and the downtrodden, the passionate believer in democracy and the rule of law, the patriotic nationalist whose nationalism tended to merge in the dream of internationalism, friend of the oppressed and the downtrodden all over the world, guide, philosopher and friend of the progressive intellectual community in all the countries, Nehru dominated the scene of public life in India and made a significant contribution on the stage of the world. Indeed, for many

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\* Script of the Third Jawaharlal Nehru Memorial Lecture delivered by Dr. P.B. Gajendragadkar, organized by the Institute on November 27-28, 1972

\*\* Chairman, Law Commission of India and Former Chief Justice of India

# Dr. G.S. Dhillon, Hon'ble Speaker, Lok Sabha and Hon'ble President, Institute of Constitutional and Parliamentary Studies, New Delhi, was in the Chair.

# THE RIGHT OF EQUALITY AND PROPERTY UNDER THE INDIAN CONSTITUTION\*

K.K. Mathew\*\*

## LECTURE-I

(Delivered on December 8, 1975)

I deem it a great privilege to have been asked to deliver these lectures in honour of the memory of a great President, and I am thankful to the organizers of this function for the same. As much has been said in these days about Dr. Rajendra Prasad and the various qualities which went to make him great both as a man and as a President, I do not think it necessary to say anything about them. I would, therefore, without further ado, go to my subject, *The Right to Equality under the Indian Constitution*.

The notion of equality, like all other great abstractions, has intimate association with some of the great movements in human history. The concept is a difficult one and discussion of its meaning is often laden with emotional overtones. The word 'equality' is incapable of a single definition as it is a notion of many shades and connotations. The disagreement among the philosophers and political theorists over the years of just what equality as a political notion connotes indicates the want of consensus on the meaning of the term. The word is ambiguous precisely because no ready indication is forthcoming as to the common attribute with respect to which men are asserted to be equal. Attempts to identify such attributes are likely to lead to far ranging discussions – discussions of the relations between equality and justice and between equality and liberty.

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\* Script of the Second Dr. Rajendra Prasad Memorial Lecture delivered by Justice K.K. Mathew, organized by the Institute on December 8-9, 1975.

\*\* Judge, Supreme Court of India.



# PRESS AND PARLIAMENT\*

*A.N. Grover\*\**

It is a matter of great pride and privilege to deliver the first lecture on 'Press and Parliament' in the series G.V. Mavalankar Memorial Lectures. There would be hardly anyone in this august gathering who is not familiar with the name of Shri Mavalankar who was one of the most outstanding speakers of modern times. He first became the Speaker of the Bombay Legislative Assembly in 1937, and later on he became the President of the Central Assembly in January 1946 which was a very crucial year, particularly as he continued to preside over the Central Assembly until August 1947 when India attained independence. He took a lot of interest in the Constitution when it was on the anvil. It is significant that he showed a good deal of concern about the sovereignty of Parliament in the matter of privileges. The draft Constitution provided that "privileges shall be the same as prevailed before the coming into force of the Constitution". Shri Mavalankar did not agree with the draft and Article 105 came to be enacted in its present form equating the privileges of Parliament to those of the House of Commons.<sup>1</sup>

Mavalankar was Speaker of first Lok Sabha (1952-56). His contribution in establishing healthy traditions for the functioning of Lok Sabha and its committees and also in the matter of ethics of conduct of the members was monumental. It would be in the fitness of things to refer to the tribute paid to him and to his work by Prime Minister Nehru while paying homage to his memory on February 27, 1956 that he was not only the first Speaker but also the 'Father of the Lok Sabha'.

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\* Script of the First G.V. Mavalankar Memorial Lecture delivered by A.N. Grover, organized by the Institute on January 25, 1984

\*\* Former Judge, Supreme Court of India

<sup>1</sup> Dube, Maya, *The Speaker of India*.

# OFFICE OF THE SPEAKER – MAVALANKAR DAYS\*

*Shivraj V. Patil\*\**

## **Parliamentary Democracy – A Choice of Founding Fathers**

It is indeed a matter of national pride that parliamentary democracy has taken deep roots in India. After a long, unprecedented and non-violent struggle against British rule, when we achieved independence in 1947, the founding fathers of our Constitution, though they had different choice, adopted the parliamentary system for India, as they felt it was the most suited to our genius, traditions, temperament and experience. The parliamentary system had never been experimented by such a large population as ours - heterogeneous in character, following different religions, speaking different languages and having different cultural backgrounds. Doubts were, therefore, raised in some quarters about our capability to govern such a vast and populous country under this system. The prophets of doom have, however, been proved wrong. The system, now in operation, both in Union as well as in the states for over four decades, has not only worked successfully, but has also withstood a variety of challenges. It has coped with serious situations such as those resulting from foreign aggressions, natural calamities, domestic, social and economic changes, political upheavals and stresses and strains. This is remarkable particularly when viewed in the context of the collapse of democratic systems in some of the neighbouring countries and elsewhere in the world.

In our system, sovereignty rests with the people. The Constitution springs from the people and it exists for them. The system of universal adult franchise which we have adopted for elections to our legislatures is only an affirmation of the supremacy of our people. Our Constitution seeks to secure justice, liberty and equality for all citizens and embodies their

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\* Script of the Second G.V. Mavalankar Memorial Lecture delivered by Shri Shivraj V. Patil, organized by the Institute on November 27, 1991

\*\* Speaker, Lok Sabha.

# DECLINE IN PARLIAMENTARY STANDARDS AND ITS IMPLICATION FOR THE FUTURE OF INDIAN DEMOCRACY\*

*Indrajit Gupta\*\**

Forty years after the first Lok Sabha was elected in 1952 under the provisions of the Constitution of the Republic, it is time to attempt an appraisal, however brief and incomplete, of Parliament's day-to-day functioning.

As one who has had the privilege of being elected to the House ten times since a 1950 bye-election (with a break from 1977 to 1980), I am venturing, perhaps like the proverbial fool, to rush in where angels fear to tread. It is rather in the nature of sharing a few thoughts with those who are interested in the subject.

I may assure all the concerned that no offence, direct or indirect, is meant to anyone, least of all to those eminent personalities for whom I have nothing but the highest respect and regard. This applies not only to members but even more so, to the presiding officers, parliamentary affairs ministers, the secretariat and the staff who have to perform their onerous duties under trying circumstances.

I will try to limit my observations to the conventions, standards and norms of conducting parliamentary proceedings, as they have been gradually evolving. This evolution has been predominantly spontaneous rather than pre-planned. Many *de-facto* developments have taken place which are not strictly defined within the venerable rules of procedure but are an inevitable reflection of the changing social, economic and political environments within which we all have to function.

Above all, Houses of the Indian Parliament are the progeny of the Indian electoral system whose admitted defects cannot but be reflected in the

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\* Script of the Third G.V. Mavalankar Memorial Lecture delivered by Shri Indrajit Gupta, organized by the Institute on March 30, 1993.

\*\* Member of Parliament (Lok Sabha)

# TRIUMPH OF DEMOCRACY: Contemporary Challenges\*

*Bernard Weatherill\*\**

Thank you very much, Mr. Dighe, for your generous introduction - I hardly recognise myself! I understand that it is the tradition in meeting of this kind that addresses are delivered from a sedentary position. May I, therefore, sit rather than stand?

It is privilege to address this meeting. I do so at the suggestion and at the request of my good friend Dr. L.M. Singhvi, the High Commissioner for India in London, known to me and many of you here as LM. In my travels around the world, particularly during my time as Speaker of the House of Commons, I have had the opportunity to meet many diplomats in many countries, but I have to say that LM is a star among them! He is greatly respected in London not only as the representative of the world's largest democracy, India, but also for his personal qualities and, not least, his erudition. I believe he was one of the founders of the Institute of Constitutional and Parliamentary Studies and that indeed is one of the reasons why I am so pleased to be here. But with his reputation in mind I stand, or rather sit, before you a somewhat nervous man. Not even my worst enemy would describe me as an intellectual, and certainly I do not claim to be one!

I remember that shortly after I became the Speaker I was invited to go to Merton College, Oxford, to address the History of Parliament Trust. The Master of the College told me how boring most other recent speakers had been, including the Prime Minister, the Lord Chancellor and the Leader of the Opposition, and I realised that I was going to be complete disaster. So I decided I had to strike a blow for freedom! I asked the audience at the beginning of my talk how many of them claimed to be academics. Many

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\* Script of the Fourth G.V. Mavalankar Memorial Lecture delivered by Bernard Weatherill, organized by the Institute on January 25, 1994.

\*\* P.C.D.L. Member, House of Lords and Former Speaker, House of Commons, U.K.

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I, Prasenjit Singh, Director, ICPS, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date: March 14, 2022

*Sd/-*  
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The journal is intended to serve as an international forum to discuss the problems, processes and prospects of parliamentary democracy and legislative institutions in India and abroad and become a vehicle of advanced and specialized studies in comparative constitutional law and parliamentary procedures. The Journal is not committed to any particular political ideology or party. It provides an objective and independent forum for expression of diverse viewpoints and perspectives.

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