

CHAPTER IV

THE OFFICE OF THE SPEAKER

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The Parliament is the highest deliberative body in a parliamentary democracy. It requires the presence of a person who shall not speak but will see that those who speak are kept in order. Such a person is the speaker. The Speaker is one who does not speak for or against anyone. But he speaks to the House. This fact necessitates his possession of certain unassailable qualities and qualifications. As Philip Laundry remarks, "it is a mistake to suppose that legal qualifications are essential in a candidate for Speakership."¹ The nature of the office of the Speaker is at once political and judicial, more of the latter than the former and it is constitutionally protected and guaranteed. In view of this fact, it has always been held desirable that the person, who holds this office must not be a lay man, but a lawyer. But it does not mean that lawyers can make and have always made good speakers of the House. In fact, as Philip Laundry remarks, the laymen as compared to lawyers, have made a mark and proved their mettle as

1. Philip Laundry, The Officer of Speaker, Cassell & Co., London, 1964, p.26.

Speakers than the lawyers."² As such, there is absolutely no evidence to support the contention that only a lawyer can make a good Speaker. Parliament is intended to discuss national problems, and to decide how to deal with them in an effective manner. To attain this objective, the deliberations must be held in a calm and undisturbed atmosphere without acrimony, disorder or vengeance.³ The Speaker, who is the guardian angel of the House, is entrusted with the responsibilities to see that the House discusses things in a proper perspective. He is very much obliged to regulate the proceedings impartially in accordance with the parliamentary procedures. It is only when he remains strictly impartial that his office serves its purpose. He is not expected to take part in the discussions. While he is presiding, he should not favour his friends by giving them more than their share of opportunities; nor should he take revenge upon his opponents by denying due share of their privileges. His greatest asset is his ability to conduct the business without any favouritism. A capable Presiding Officer will elicit the ideas and reactions of individual members. It is his paramount duty to provide opportunities and also to encourage the

2. Idem.

3. Siva Dharma Sastry, B., A Comparative Study of the Speaker India, Britain, and the U.S.A., Sterling Publishers, New Delhi, 1978, p.69.

members to be active in the debates. He has to create a climate that is favourable to free, frank and thoughtful discussions in which members will find every encouragement to express their opinions. This attitude is sure to win the respect and the confidence of one and all.⁴

Recent experiences of the Indian federal parliamentary democracy reveal that it is at the State level that the Assemblies have been found to be more vociferous than at the national level. Further, the growth of regional and local sentiments and issues have caused the Presiding Officers of the Legislative Assemblies to be very tactful and skillful. Hence, certain qualities rather than qualifications are very much required of a person chosen to be the Presiding Officer of the House.

Further, most political systems have not prescribed any qualifications for the Speaker. For instance, the American Constitution does not even require its Speaker to be a member of the House of Representatives at the time of his election or after his election⁵, although every Speaker has invariably been a member of the House of Representatives at the time of

4. Idem.

5. Section 2, Article I of the Constitution of the U.S.A.

his election⁶ to the Chair. Similarly, in the Constitution of Australia it is nowhere mentioned that the Presiding Officer should be a member of the House of Representatives or the Senate as the case may be. But the Constitution of India specifically prescribes a condition for the Speaker of the Lok Sabha or of a Legislative Assembly. Accordingly, he should be a member of the House concerned at the time of his election.⁷

The Speaker has to deal with the situation created in the House, which may be acrimonious or uncongenial. Things may go beyond limits of polite behaviour and the debates may become quarrelsome in view of the privileges of the members or due to the very nature of the issue on which the members debate. There may arise occasions in which friends may become foes, telling upon the very nature and significance of the business of the House. The Speaker has to face not only different kinds of personalities of different orientations, age and demeanour, but also diverse situations in the House. As such, he has to be an amiable, if not an adorable, person and any Speaker should possess certain qualities in order to be a

6. Ferguson, John H., and McHenry, Dean E., Elements of American Government, McGraw-Hill Book Company, New York, 1970, p.208.

7. Articles 93 & 178 of the Constitution of India.

successful Presiding Officer.⁸ The qualities required of the Speaker are of two kinds: those acquired from experience and personal inherent ones, which always stand him in good stead, irrespective of the qualifications he may possess.

Accomplishments

Neither the Constitution of India, nor the Legislative Assembly Rules prescribe any legal qualifications for the Speaker. As the office of the Speaker is one of dignity and honour,⁹ the Speaker is expected to possess a legal bent which can assimilate the sense of complicated documents quickly and have the faculty of accurate and clear summarization.¹⁰ It is nowhere stated or signified that the Speaker should necessarily be a lawyer. Actually, India has not shown any preferential treatment towards members having legal qualifications. On the other hand, persons from different walks of life have adorned this high office. In the State Assemblies, particularly, no hard and fast rule exists regarding the selection of the Speaker. The

8. Singh Yadav, J.N., The Indian Speaker, Crisis of Identity, The Academic Press, Gurgoan, 1982, p.17.

9. George Campbell, Parliament, The English University Press, London, 1960. p.13.

10. Singh Yadav, J.N., Op.cit., p.17.

choice varies from the most qualified and learned scholars to the merely literate persons. Surprisingly most of the Speakers of the Legislative Assembly of Tamil Nadu had been from the legal profession.¹¹ This is well in accordance with the precedents set up in the British House of Commons.¹²

The Speaker is much more than just a Presiding Officer in the parliamentary set up of the British order. Hence, it is the parliamentary experience rather than the legal one which is the foremost requirement of the Speaker. His task is not merely to conduct the proceedings of the House, but to ensure the smooth conduct of the proceedings, to give decisions when appealed to, and to interpret the rules of procedure, whenever necessary. All these things require the Speaker to be well versed in the provisions of the Constitution, Rules of Procedure and the Conduct of Business in the House. He should not invoke the letter of the law at every opportunity, rather he should know when, where, why, and how to apply the rules or give rulings.¹³ He has to be

11. The first elected Speaker Sambamurti (1937-1942), Gopala Menon 1955, Chella Pandian 1962-1967, Si.Pa. Aditanar 1967-1968, K.A. Mathiazhagan 1971-1972 and P.H. Pandian 1985-1988, possessed degree in law.

12. Philip Laundy, Op.cit., p.26.

13. Singh Yadav, J.N., Op.cit., p.18.

more functional than theoretical in the application of the rules.

As Philip Laundy emphasises, the Speaker must have an intimate understanding of the parliamentary life, of the problems of the members collectively and individually, of the moods and foibles of the House-an experience which can be acquired only through many years spent on the Benches of the House itself. Above all, "he must have a deep-seated reverence for the institution of parliament, a sincere respect for its traditions derived from a deep understanding of what lies behind the outward ceremony, and unshakable faith in democratic government."¹⁴ While the technicalities of parliamentary procedure can be learnt from the well established text books like May's Parliamentary Practice, one's ability to identify himself with the spirit of the House depends upon his long service as its member. It requires keen observation of, and proper attention to, the practical working of the House. In addition to these, "the Speaker must also be well acquainted with the Customs of the House, and his necessity for knowledge of the Rules and Usages is obvious because mere knowledge of letters of the rules is not enough."¹⁵

14. Philip Laundy, Op.cit., p.26.

15. Herman Finer, The Theory and Practice of Modern Governments, Macmillan Book Company, London, 1969, p.208.

Some scholars regard 'seniority' or continuous membership of the House as an important consideration in choosing a Speaker.¹⁶ G.V. Mavalankar, the former Speaker of the Lok Sabha, also considered the long political experience as an important qualification for the election of the Speaker.¹⁷ In India, this aspect is very much neglected while deciding the selection of the Speaker at the national level. But, in respect of Tamil Nadu, it is worth mentioning that of the eleven persons who held office as Speakers from 1937 to 1987, nine persons were of long standing experience in the Assembly.¹⁸ Another notable fact here is that all the eleven persons were highly literates, six among them being with legal qualifications.¹⁹

Sometimes, back-benchers become good Speakers. Such members are politically unassuming but not mediocre. They may be the least active on the party

16. Ferguson, John H., and McHenry, Dean E., Op.cit., p.208.

17. Quoted by Philip Laundry, Op.cit., p.421.

18. J.Sivashanmugapillai (1937-39), U.Krishna Rao (1952-57), Si.Pa.Aditanar (1957-62), Chella Pandian, (1952-57), Pulavar K. Govindan (1962-67), K.A.Mathiazhagan (1962-67) Munu Adhi. (1962-76) K.Rajaram (1967-76), P.H. Pandian (1977-85).

19. Sambamurti B.A., B.L., N. Gopala Menon, B.A.B.L., Chellapandian, B.A., B.L., Si.Pa. Adithinar, Baratlal, K.A. Mathiazhagan B.A., B.L. and P.H.Pandian M.A., M.L.

political front. But the services they perform for the nation can be the most valuable. They are non-controversial and well versed in the working of the House. With rich experience of parliamentary procedures, they may be easily acceptable to all. But, for obvious reasons, it is very difficult for such persons to get elected in India, particularly in the States. All the eleven Speakers of Tamil Nadu between 1937-1987 were active politicians with a high standing in their respective party hierarchies and they were not backbenchers.

It may be argued that experience gained as Deputy Speaker would stand a person in good stead as Speaker. Like the Speaker, the Deputy Speaker is also subject to the sudden and constant testing of his capacity brought about by a variety of unforeseen contingencies.

The Deputy Speaker enjoys an undisputed authority of his own, but he is not bolstered by the highest prestige which is attached to the office of the Speaker. The Deputy Speaker measures up to the highest requirements of his own office. Hence, he is worthy of consideration for the higher appointment. But, it does not mean that the Deputy Speaker can claim the Office as a matter of right. Better people may be still available and they should not be rejected in preference to

someone, who has been a Deputy Speaker with a little experience. Philip Laundry argues against this being recognised as a convention. "To give the Deputy Speaker, a prescriptive right to the Speakership would amount to a circumvention of the principle of the freedom of choice of the House in the election of its Speakers".²⁰

This practice has not been strictly followed in any State Legislative Assembly in India. In Tamil Nadu Pulavar K. Govindan and P.H. Pandian were the only two Deputy Speakers who were later elected as Speakers.²¹ The remaining nine were elected afresh to the Chair.

In India, the office of the Speaker has become a kind of an appointment, which carries with it great political importance, prestige and influence. The post is held by the nominee of the party in power and is a sort of political appointment.²²

— It is the privilege of the party in power to give this post to one of its legislators. While selecting a candidate to this office, many political factors are taken into consideration. A candidate for this office

20. Philip Laundry, Op.cit., p.27.

21. Pulavar K. Govindan was Deputy Speaker between March 17, 1967 and Feb. 21, 1967 and P.H. Pandian between June 21, 1980 to November 15, 1984.

22. George Campbell, Op.cit., p.12.

is normally an active politician with a distinctive political past, having a stature in the party hierarchy. He is also a group leader having a following of legislators. Such a person may be moderate and compromising in nature. A critical examination about the occupants of this Office in Tamil Nadu Legislative Assembly reveals that three Speakers had been credited with some political standing and previous ministerial experience. Dr. U. Krishna Rao, who was a Minister during 1952-54, became the Speaker in April 1957: K.A. Mathiazhagan, who was a Minister in the Cabinet of C.N. Annadurai between 1967 to 1969, was elected Speaker in the wake of a power struggle in the DMK.²³ K. Rajaram, who was a Minister during 1971-76, was chosen as the Speaker in 1980. In respect of the last two persons, it was a matter of settlement and compromise as they could not otherwise be made ministers.

Personal Qualities

In addition to certain accomplishments, a Speaker must also possess some rare personal qualities which will render weight to his Office. Campbell regards that the post is often difficult to be filled successfully.

23. The Hindu, February 20, 1969.

He suggests that the Speaker must be a man with presence of mind.²⁴ "A Presiding Officer", according to Herman Finer, "must possess such qualities like tact and sufficient alertness during hours of speech to detect and stop any disorder". The Speaker is required to decide difficult points of far-reaching consequences. Hence, he must possess maturity of thought and presence of mind. He must be alert and must possess accurate knowledge of parliamentary procedures. In certain cases, it may not be possible for the Speaker to postpone his decisions on certain problems or issues. Hence, like a judge in a court, he must have presence of mind.

The Speaker should also be impartial and independent. Authority and impartiality are the chief characteristics of Speakership.²⁵ Absolute impartiality is considered a basic requirement of the Office. The popularity of the Speaker grows with his impartiality. -It ensures him respect and the co-operation of the House. He must be bold enough even to pull up the Chief Minister and other political figures in the House to whom he may owe his appointment, if they violate the

24. George Campbell, Op.cit., p.13.

25. Thomas Erskine May, Treatise on the Law, Privileges, Proceedings and Usages of Parliament, Butterworth & Co., London, 1971, p.247.

rules of procedure. He must keep himself away from pressures from any quarter.²⁶

Kenneth Mackenzie regards impartiality and independence as the outstanding qualities of Speakership.²⁷ For a successful Speaker, it is not enough that he has earned the confidence and respect of his party alone. He must have the confidence of the other members of the House also. Once elected, the Speaker must owe responsibility only to the House and not to any other authority.²⁸

Almost all the Speakers in Tamil Nadu during the period under study have always asserted their authority and independence. However, differing opinions have been expressed as to the degree of impartiality evinced by them on one occasion or another. The most glaring case in which the Speaker's impartiality was held in doubt was in respect of P.H. Pandian. His conduct of the business was very controversial and was a subject of criticism.²⁹ One way of exhibiting impartiality and

26. George Campbell, Op.cit., p.13.

27. Kenneth Mackenzie, The English Parliament, Penguin Books, London, 1962, p.117.

28. Morris-Jones, W.H., Parliament in India, The University of Pennsylvania, Philadelphia, 1957, p.265.

29. This is discussed and examined in Chapter VI.

independence is for the Speaker to resign from his party after his election to the Office. This is being followed in England and N. Sanjeeva Reddi did so in 1967 after his election as Speaker of the Lok Sabha.³⁰ However, in respect of Tamil Nadu, the Speakers have not resigned from their respective political parties after their election to the Chair.

Anyone with a good amount of commonsense and tact, courtesy and calmness, firmness and patience and with a sense of humour will make an amicable and successful Speaker. With courtesy and calmness, the Speaker can abate the emotion, heat, impatience and disorder in the House. Firmness enables the Speaker to maintain order in the House. He can exercise firmness when he commands the respect and confidence of the House as a whole. Patience and a sense of humour helps the Speaker to be mentally equipped and to take the members along the path of procedure smoothly. The Speakers of Tamil Nadu have never been found lacking in these qualities.

The Speaker must be humane, otherwise he would become too rigid and apply procedures without broad mindedness. He must be a driving force with foresight and kindness in conducting the House. In brief, the

30. The Hindu, March 18, 1967.

office of the Speaker does not require any brilliant personality, but it needs a practical man with a sound instinct for justice, who does his task honestly, firmly and good humouredly.³¹ When a person endowed with such sterling virtues occupies the Chair, the whole House respects the authority of the Chair, as all sections realise that it is only by respecting the authority of the Chair that the proceedings can be kept within the bounds of dignity and orderliness. As the will of the House is personified in the Speaker, the members feel that when they obey the Speaker, they are obeying a part of their own conscience.³²

Speaker and Party Affiliation

The Presiding Officer of the Parliament should care for each and every member of the House irrespective of his own political moorings and convictions. He protects the rights and privileges of the members. He is the symbol of the sovereignty of the people. He has to maintain good atmosphere in the House for calm and peaceful deliberations. He must enjoy the confidence and respect of one and all. These things require him to

31. Strathearn Gordon, Our Parliament, Cassell & Co., London, 1964, p.74.

32. Singh Yadav, J.N., Op.cit., p.26.

be apolitical. This raises the problem of the Speaker's party affiliation, which demands a critical examination and analysis with respect to his position vis-a-vis the political party to which he belonged before his election to the Office.

In Communist Political systems and where there is a Presidential system of Government, the Speakers are not expected to, and do not resign from the political parties. In the Indian parliamentary system the Speaker is expected to be non-partisan. It implies that the Speaker severs his affiliations from the political party to which he belonged before his election to the Chair. This is a well established convention in England where the Speaker of the House of Commons resigns from his political party at the earliest opportunity on his election to the chair. Such an action helps him not to be influenced by party affiliation in making decisions and pronouncements and in conducting the proceedings of the House.

In England, "once Speaker is always a Speaker" is the maxim that is followed. It means that a Speaker is elected again and again till he wishes to be relieved. This helps him to snap his ties with his political party and its activities. He is neither opposed nor defeated at the polls in his constituency or in the House. The

conditions obtaining in India, particularly in Tamil Nadu, in this regard, are otherwise. The office of the Speaker remains far from depoliticised. Both the ruling and the opposition parties, both at the Central and the State levels have failed to establish such a convention.³³ There were discussions on depoliticising the office, but sincere efforts have yet to be made in this regard. The Speakers of the Lok Sabha or the Legislative Assemblies have rarely been allowed to return unopposed to the House or to the Chair. Hence, the intending incumbent has had to manoeuvre his nomination or elevation even within his own party. The compulsions of the present day politicking stand in the way of depoliticising the Office. The politikings have helped to cast aspersions on the actual position of the Presiding Officer in relation to the political party to which he belonged before his election. This necessitates a critical examination of the party affiliation of the Speaker with particular reference to Tamil Nadu. This is to be examined with reference to the following questions.

1. Is the selection of the Presiding Officer to be carried out by a unanimous choice or by a contest?

33. Singh Yadav, J.N., Op.cit., p.57.

2. Can the Presiding Officer, after election, remain a member of the political party?
3. Whether he should be opposed when seeking re-election to the Assembly?
4. Whether he should be opposed when seeking re-election as the Speaker; and
5. How his Constituency is to be represented before the House and how its interests are protected?

These factors are decisive and account for the Speaker becoming a partisan or a non-partisan Presiding Officer.

The Speaker and the Nomination of his Candidature

It is a well established convention in England that an agreement between the Government and the Opposition is secured in selecting a candidate for the Speakership unanimously. It is also a convention and tradition that he is nominated by the political party in power and seconded by the political party-in-waiting. In India, the political vicissitudes on the eve of Independence brought new political dimensions. With the adoption of the parliamentary system, efforts on behalf of the Speakers were made to establish some conventions regarding their relationship with the political parties.

The matter regarding the Speaker's party affiliation invited the attention of all the Presiding Officers of the legislatures in the country. Consequently, a Presiding Officers' Conference was held at Trivandrum in July-August, 1951. The participants unanimously adopted a resolution that "a convention should be established to the effect that the Constituency in which the Speaker contests for re-election should not be contested". Its effect would be that the Speaker would not take part in party politics.

No step has been taken till date to establish such a sound convention for the unanimous selection of a candidate for speakership after consulting the opposition parties. Prior to Independence and before the first general elections of 1952, there were two persons who were the Speakers of the then Madras Legislative Assembly. Bulusu sambamurti was elected unanimously as Speaker in 1937. He continued in Office till 1942, when J. Sivashanmugam Pillai was elected unanimously to succeed him. Sivashanmugam Pillai held Office till 1952. The first general elections were held in Tamil Nadu in 1952 under the new Constitution of India and Sivashanmugam Pillai was re-elected Speaker of the Assembly.³⁴ However, his election was not one of

34. MLA Debates, Vol.I, 1952, pp.13-16.

unanimous choice. He was opposed by Swayamprakasam, an Independent member of the Assembly. But, for obvious reasons, Sivashanmugam Pillai was elected with 206 votes in his favour against 162 votes secured by his opponent. However, he resigned as Speaker of the Madras Legislative Assembly on August 16, 1955, consequent on his appointment as a member of the Union Public Service Commission³⁵. The vacancy caused by his resignation was filled by N. Gopala Menon, but his choice was not again unanimous. He was opposed by two other candidates, namely, Swayamprakasam and A. Ratnam. While Swayamprakasam was supported by the Communists and caste-based parties, Ratnam was the nominee of the Toilers' Party. However, Ratnam retired from the contest before the election and Gopala Menon was elected, defeating Swayamprakasam by a margin of 70 votes.³⁶

Elections to the Second Madras Legislative Assembly were held in 1957. The Congress had won with a majority of 151 seats in the House of 206 members. U. Krishna Rao was the nominee of the Congress Party for Speakership. He was opposed by M. Jaganathan of Toilers' Party. U. Krishna Rao was elected Speaker with the

35. Ibid., Vol. XXVI, 1955, p.152.

36. Gopala Menon, secured 134 votes and Swayamprakasam 64. Please see-MLA Debates, Vol, XXVII, 1955, p.1-9.

support of 148 members as against 44 Votes cast against him.³⁷ U. Krishna Rao died in harness on August 3, 1961. However, in view of the forth-coming elections to the Madras Legislative Assembly, no new Speaker was elected to succeed him.

After the elections to the Third Madras Legislative Assembly in 1962, S. Chella Pandian of the Congress Party was elected Speaker unanimously.³⁸

The Fourth general elections constituted the turning point in the country in general and in Tamil Nadu in particular. The DMK won the elections in Tamil Nadu. It secured 138 seats in the House of 234 members. The Congress had secured only 49 seats and the rest went in favour of the allies of the DMK. C.N. Annadurai, the leader of the DMK, became the Chief Minister of Tamil Nadu. He was in favour of the unanimous choice of the Speaker and he offered the Deputy Speakership to the Congress. The Congress refused the offer. However, the DMK candidate for Speakership, Si.Pa. Aditanar, was opposed by a Swatanthra Party candidate, K.S. Kothandaramaiyya Si.Pa. Aditanar secured 153 votes and his rival 21 votes.³⁹

37. MLA Debates, Vol.I, 1957, pp.13-15.

38. Ibid., Vol. I, 1962, pp.17-19.

39. Ibid., Vol.I, 1957, pp.27-29.

Following the death of Annadurai in March 1969, M. Karunanidhi became the Chief Minister. He made Si.Pa. Aditanar a minister of his Cabinet. Consequently, Pulavar K. Govindan was elected Speaker unanimously.⁴⁰

In 1971, K.A. Mathizhagan, who was a minister in the Cabinets of C.N. Annadurai and M. Karunanidhi, was unanimously elected the Speaker of the Fifth Legislative Assembly of Tamil Nadu. In 1972, M.G. Ramachandran, then a prominent leader and the Treasurer of the DMK, was expelled from the DMK and he founded the ADMK. K.A. Mathiazhagan, the then Speaker of the Assembly, became a supporter of the ADMK. Consequently, a vote of no-confidence was brought against him. It was duly passed by the House and he was removed from office on December 2, 1972.⁴¹ Pulavar Govindan was again speaker from 1973 to 1977.

After the revocation of the national emergency, elections were held in 1977. During the period of national emergency, there were apprehensions that regional political parties might be banned from contesting the parliamentary elections. Consequently, M.G.Ramachandran, then the ally of the Congress(I), redesignated the ADMK as All India Anna Dravida

40. TNLA Debates, Vol.XIV, 1969, pp.315-316.

41. The Hindu, December 3, 1972.

Munnetra Kazhagam (AIADMK) in order to give it a national image on September 12, 1976.⁴² During this period there were three Speakers. Munu Adhi was elected Speaker unanimously on July 6, 1977 and he remained in office till June 18, 1980. K. Rajaram was elected Speaker on June 21, 1980 and he remained in office till February 24, 1985. Subsequently, P.H.Pandian was elected Speaker unanimously on February 27, 1985. In all these cases, not only the election of the Speaker was unanimous and uncontested, but it was also done without consulting the opposition parties.

A critical examination of these facts reveals that the election of the Speakers in Tamil Nadu has been subjected mostly to the mandate of the ruling parties in the Legislative Assembly. There were contests only on four occasions and these were due to non-consultation⁴³ of the ruling party with the opposition.

The Speaker and his Political Party

In England there is another convention by which the political neutrality of the Speaker is maintained. According to this convention, after his election, the

42. The Hindu, September 13, 1976.

43. MLA Debates, Vol.XVI, 1962, p.319.

Speaker, will renounce his party membership. This helps him to keep the office of the Speaker away from party domination and discharge his duties above all party considerations, which would facilitate the Opposition to have unassailable and implicit confidence in him. In India, this convention has not been sincerely and seriously followed yet. It is more so in the States and Tamil Nadu is no exception. If the Assembly Speaker is to inspire confidence, it is desirable that he should also sever his party connections as in England. Only then can he become the master of the House and strengthen the dignity of his Office.

Interestingly on each and every occasion, after the Speaker was elected and led to the Chair by the leaders of the ruling party and the opposition, all the Speakers had announced and affirmed that they would discharge their duties independently and impartially without any fear or favour. But all the Speakers from Bulsu Sambamurti to P.H. Pandian were reluctant to give up their party membership.

Si.Pa. Aditanar was elected Speaker of the Tamil Nadu Legislative Assembly on March 17, 1967. He and his **We Tamil** Party were the electoral allies of the DMK. He had been elected from Srivaikundam Constituency under the DMK symbol of the Rising Sun. He did not choose to

resign from **We Tamil** Party or severe his political activities. There were two specific charges against Si.Pa. Aditanar. The first one was that he attended the political conference of the DMK held at Tanjore in 1968 and the other one was that he took part in the political activities in his constituency. Si.Pa. Aditanar defended himself and remarked,

"I am as much a politician as the Honourable Leader of the Opposition is and as such, I cannot refrain myself from the party activities of the DMK with whose support and under whose symbol I have been elected to the Assembly. But it does not mean that I am partial and Partisan.⁴⁴"

Si.Pa. Aditanar again defended himself against the second allegation, saying that as the representative of the people of Srivaikundam he was duty bound to take part in the political activities in his Constituency.⁴⁵

Consequent on the appointment of Si.Pa. Aditanar as Minister in March 1969, Pulavar K. Govindan was elected Speaker. In his thanks giving address he said,

"I will try to uphold the dignity decorum and decency of the Assembly and to protect the same. Though I belong to the DMK Party for the last thirty years, I do not want to give up my party affiliation but I will be impartial in the conduct of the business of the House.⁴⁶"

44. Hindustan Times, August 23, 1968.

45. Ibid

46. MLA Debates, Vol.XVI, 1969, pp.337-340.

But the fact remains that the resolutions for Pulavar K. Govindan's removal as Speaker were introduced on March 29, 1974 and on April 2, 1975. The first occasion was due to his failure to conduct the proceedings of the House in an impartial manner and for refusing to allow the points of order raised by the opposition leader and for permitting the members of the ruling party to make certain remarks against the opposition members. On the second occasion, it was on the charge of his various acts of commission and omission in respect of admitting the privileges motions and protecting the ruling party at all costs in various matters. But both the resolutions were defeated.⁴⁷

In March 1971, K.A. Mathiazhagan was elected Speaker. On his felicitation, he said.

"I will be impartial in discharging my duties..... I will plead for more rights and powers to the State Legislatures."⁴⁸

He was confident that his previous experience as a member of the opposition and later as minister would help him in conducting the business of the House to the satisfaction of all parties. However, he further said, "I will not claim that I have completely dissociated myself from my party".

47. The Hindu, March 30, 1974 & April 3, 1975.

48. TNLA Debates, Vol.1, 1971, pp.41-46.

On October 22, 1971 K.A. Mathiazhagan again observed in the House, "in as much as I have been elected by all the members, I shall act independently and in a non-partisan manner so long as I discharge my duties of my office as Speaker. But I continue to be a member of the Dravida Munnetra Kazhagam to which I belong".⁴⁹ His intention to be politically affiliated was evident from his reiteration in unequivocal terms to remain a party member.

On another occasion, after the split in the DMK party in 1972, K.A. Mathiazhagan openly acted in favour of the opposition parties, especially the AIADMK. He even adjourned the House in favour of the opposition parties. This kind of blatant political behaviour of K.A. Mathiazhagan ultimately resulted in his ouster as a consequence of a no-confidence motion brought and passed against him by the DMK party.⁵⁰

The case of P.H. Pandian is quite similar to that of K.A. Mathiazhagan, P.H. Pandian also acted as a party man and openly exhibited his party affiliation. In the local body elections held in February 1986, P.H. Pandian openly campaigned for his party candidates. This act of his impropriety was criticised in the Press.

49. Ibid., Vol.XI, 1971, p.140.

50. The Hindu, December 22, 1972.

Reacting to the Press, Pandian said, "the holding of the office of the Speaker would not prevent him from campaigning for his friends in the elections in his Constituency". As the Speaker he was above party politics inside the House, but as a member of the Assembly he had a duty to his Constituency, Cheran Mahadevi, which returned him three times to the House on the AIADMK ticket. He further said, "I am also indebted to my friends, who had worked for my victory in the election. If I do not work for them now, will they support me in future elections?"⁵¹

Normally, the Speaker shall not interfere with the State administration. But, Speaker P.H.Pandian made himself an exception to this. For instance, he attended a function to lay the foundation stone of a 'Mother and Child Welfare Block' on February 9, in Chengalpattu and lashed out at the Chengalpattu District Administration. He openly remarked that the administration in the District was the worst in the State and several Members of the Legislative Assembly had complained to him that there was corruption in the leasing of a quarry. He said that he had received complaints about the District Collector also, who did not take part in the function. Pandian further said,

51. The Hindu, February 19, 1986.

"I am carefully watching the situation and will soon take appropriate action and when that happens no one can save the accused. He ordered the deletion of the District Collector's name from the foundation stone remarking that, "only those who toil shall be honoured."⁵²

P.H. Pandian's involvement in party affairs increased manifold after the death of M.G. Ramachandran. The ruling AIADMK had split into two factions, one under Janaki, the widow of M.G. Ramachandran, and the other under J. Jayalalitha. Janaki became the Chief Minister with the support of 97 MLAs and the remaining 33 MLAs functioned as a rival group under the leadership of Jayalalitha. That being the situation, P.H. Pandian requested that both the factions of the AIADMK to be united. Later, when the Janaki Ministry was to seek the confidence of the House, the 33 MLAs belonging to the rival group abstained from the House and on that score Pandian disqualified them in toto.⁵³ Later, the Janaki Ministry was dismissed and the Assembly was dissolved.

P.H. Pandian attended the AIADMK general body meeting on February 3, 1988, conducted by the Janaki faction in Sathiya Studio. He came in a government car with the national flag and the government insignia. He

52. Indian Express, October 10, 1987.

53. TNLA Debates, Vol. 47, 1988, pp.65-81.

should not have attended a political meeting in his capacity as Speaker. But Pandian came out in open identification with the Janaki faction of the AIADMK. Citing the cases of Balram Jakhar, one-time Speaker of the Lok Sabha and other Speakers of some State Assemblies who took part in party activities, Pandian remarked that, as the Speaker of the dissolved Assembly, he had no official duties except to give continuity to the House. He was bold enough to say, "I will now take part in all political activities"⁵⁴.

A critical analysis of these facts reveals that most Speakers in Tamil Nadu could not remain apolitical. On the other hand, they had only found it difficult to desist and deviate from political and party activities. Here is a case for the establishment and strict following of either the British Convention or suitable amendments to the Constitution of India relating to the institution of the Speaker for its impartiality and apoliticalness.

Speaker and Re-election to the Assembly

It is a specific convention in Britain that in the general elections the Constituency of the Speaker is normally not contested. As a matter of obligation and

54. Aside, February 1988, pp.16-19.

propriety, the Speaker is required to abstain from any kind of political activity. To maintain fairness, impartiality and independence in the House, the Speaker must be kept out of political competition in the general election. Otherwise, as an ordinary member he has to fight for a seat like any other member and he can and must do this only on a party basis. Thus, he would again be thrown into party politics and the tradition of political neutrality would be lost or Jeopardized

Thus, a convention has been developed that the British Speaker need not contest in the general election. However, in India, at the Centre and more so in the States, the position relating to the re-election of the Speaker from his constituency to the House still remains fluid. No convention is being followed in this regard. Tamil Nadu is no exception to this and the practice of leaving the Speaker's constituency uncontested has been a matter of nullity, except a few cases in which either the previous Speakers did not either re-contest in the subsequent general election or they were refused the party ticket. The following analysis makes clear these facts.

Bulusu Sambamurti, the first Speaker of the Madras Legislative Assembly, did not contest the general elections held in 1946, though he had proved himself to

be an impartial and a successful Speaker. U. Krishna Rao and K.A. Mathiazhagan expired before the next general elections took place. N. Gopala Menon was the Speaker of the Madras Legislative Assembly from September 27, 1955 to November 1, 1956. Consequent on the transfer of his constituency to the State of Kerala, he ceased to be a member of the House and the question of his re-election in the general elections of 1956 did not arise. In all other cases, it was a matter of political rivalry and electoral contest.

J. Sivashanmugam Pillai, who was the Speaker from 1946, contested the first general elections of 1952 as an independent candidate. He was opposed by seven other candidates. However, he won the election by securing 22,789 votes against 20,483 votes polled by his opponents put together.⁵⁵ In respect of Chella Pandian, who was the Speaker during 1962-67, he was not given the ticket by the Congress to contest in the general elections held in 1967.

Si.Pa. Aditanar, who was the Speaker during 1967-69 and later a minister contested the general election in 1971. The Congress put up its candidate, A.

55. Public (Elections Department) General Elections in Madras State. 1951-52 Election Data Analysis, pp.132-139.

Annamalai, against him in Srivaikundam. Besides, there were also six other Independents in the field. Aditanar won the election with the help of the DMK by securing 37,329 votes, with a difference of about 10,000 votes against his rival.⁵⁶

Pulavar K. Govindan, who was the Speaker during 1969-71 and again from 1973 to 1977, had to return to the House in the subsequent elections held in 1971 and 1977 respectively after facing a fierce opposition and contest from the Congress and the AIADMK rivals and managed to scrape through with a thin margin of votes.⁵⁷

Munu Adhi, who was the Speaker from 1977-1980, contested in the 1980 general elections as the AIADMK candidate from Tambaram. He was opposed by Nallathambi of the DMK and a Janata and four other Independent candidates. But he was defeated by the DMK candidate by a margin of about 6,000 Votes.⁵⁸

56. The Hindu, March 12, 1971.

57. In 1971 he contested from Cheyyar. His rival was Periyaswamy Naicker of the Congress (O). Pulavar Govindan secured 39,978 votes as against 31,667 of Priyaswamy Naicker. In 1977 Pulavar Govindan was opposed by K. Shanmugasundaram of AIADMK and one Janata, one Congress and three independent candidates in Cheyyar. He secured 33,388 votes against 21,419 votes of the AIADMK candidate.

58. Nallathambi secured 59,931 votes and MunuAdhi 53,746 votes.

After being the Speaker from 1980 to 1984, K.Rajaram contested the Assembly elections from Panamarthupatti as an AIADMK candidate. He was opposed by S.R. Sivalingam of the DMK and six other Independents. K. Rajaram won the election with 48,726 votes as against 27,180 votes of S.R. Sivalingam.⁵⁹

P.H. Pandian was the Speaker during 1985-1988. For one reason or another, he maintained political affiliations and took part in party activities despite the criticisms made against him. He openly announced that he was prepared to change his stand, in the event of a guarantee that in future election no political party would field its candidate against him and unless this was done, no one could object to his attitude. Much against this, when he desired to be re-elected from Cheranmahadevi in 1988, he was very much opposed by candidates belonging one each to the DMK, the Congress, and the AIADMK group of Jayalalitha and six other Independents. The contest was so keen that P.H. Pandian could win the election by a narrow margin of only 700 votes. He secured 26,113 votes as against 25,413 of the DMK, 23,270 of the Congress and 2409 of the AIADMK of Jayalalitha, leave alone the votes secured by the Independents. A mathematical calculation of the votes

59. The Hindu, December 30, 1984.

secured by them clearly points out as to what a battle it must have been for P.H. Pandian to win the election. Still the fact remains that 75% of the votes polled by the voters in his constituency were against him.⁶⁰ It is, thus, evident that the British practice of not opposing the Speaker in his constituency is not followed in India and more so in Tamil Nadu. Certainly this is bound to tell upon the working of our parliamentary democracy in India.

Speaker and Re-election to the Chair

It has been a healthy convention in England that the Speaker of the dissolved House is generally re-elected to the next House irrespective of the party in power, provided he is willing to serve as Speaker. This practice has the benefit of preventing the Chair from becoming the subject to a party and enables the House not to reject a Speaker, who has proved his mettle. This practice would enable the speaker, to have greater authority and power to preserve order in the House. But these things have never been taken into consideration in India. The practice of the Speakers' being re-elected to the Chair unopposed is yet to be established. There have been only two cases in Tamil

60. The Hindu, January 23, 1989.

Nadu in which the Speakers were re-elected to the Chair. J. Sivashanmugam Pillai was re-elected to the Chair in 1952. Pulavar K. Govindan was the Speaker from 1969 to 1971. Though he had won the election in 1971, he was not re-elected as Speaker. However, after the removal of K.A. Mathiazhagan as Speaker in 1972, Pulavar Govindan was chosen by the DMK to succeed him.⁶¹

The Speaker and his Constituency

The Speaker is basically a member of the Legislative Assembly. He is elected from a Constituency assigned to him by his political party. Though, as a Speaker he is required to keep away from political activities and party affiliations, he has the responsibility to look into the needs of his constituency. As there is no well established custom in this regard and as the needs of the Speaker's constituency are to be duly protected, the Speakers in Tamil Nadu have always taken direct part in matters pertaining to their constituencies, keeping their future political and electoral prospects in mind. However, the fact remains that the Speaker can always fulfill the needs of his Constituency through private communications with the Government as he cannot entertain a legislative

61. TNLA Debates, Vol.XI, 1973, pp.77-93.

debate or interpellation. But how far this could be effective and productive cannot be said with certainty.

A careful examination of the facts stated herein reveals that in most cases, the Speakers of the Tamil Nadu Legislative Assembly have functioned without giving up their party and political affiliations. Mostly they have also been found to be impartial in the conduct of the business of the House. The role of the Speaker is, thus, found to be a responsible one. Many factors and events determine the actual role of the Speaker. This is what is to be critically analysed and studied in the next Chapter with reference to Tamil Nadu.