

RULES COMMITTEE

FIRST REPORT



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI
December, 1955

CORRIGENDA

TO

RULES COMMITTEE--First Report

1. **At page 6**, in the *last line* of proviso to sub-rule (1) of rule 161, for 'nomination' read 'appointment';
2. **At page 7**,—
 - (i) in the *last line* of proviso to sub-rule (1) of rule 265, for 'nomination' read 'appointment';
 - (ii) in the *last line* of proviso to sub-rule (1) of rule 278, for 'nomination' read 'appointment'.

Personnel of the Rules Committee

1. Shri G. V. Mavalankar—*Chairman*.
2. Shri M. Ananthasayanam Ayyangar.
3. Pandit Thakurdas Bhargava.
4. Shri Satya Narayan Sinha.
5. Shri N. Keshavaiengar.
6. Shri Shivram Rango Rane.
7. Shri Ghamandi Lal Bansal.
8. Shri Khushi Ram Sharma.
9. Shri Kotha Raghuramaiah.
10. Shri Satis Chandra Samanta.
11. Dr. N. M. Jaisoorya.
12. Shri N. C. Chatterjee.
13. Shri Bhawani Singh.
14. Shri Kamal Kumar Basu.
15. Shri K. S. Raghavachari.

SECRETARIAT

- Shri M. N. Kaul—*Secretary*.
Shri S. L. Shakhder—*Joint Secretary*.
Shri N. C. Nandi—*Deputy Secretary*.
Shri A. L. Rai—*Under Secretary*.

REPORT

REPORT OF THE RULES COMMITTEE

The Rules Committee which was reconstituted on the 2nd May, 1955 under Rule 302(1) of the Rules of Procedure, held its sitting on the 28th November, 1955 to consider certain amendments to Rules.

2. The recommendations of the Committee are contained in this their First Report which the Committee authorise to be laid on the Table of the House.

3. With regard to the changes proposed in the rules which are shown in the Appendix to this Report, the Committee observe as follows.

4. *Rule 2*—In some rules [Rules 367 and 387 (3)] the term “precincts of the House/Parliament House” has been used, but it has not been defined anywhere. A definition is necessary also because the area under the control of the Speaker which is considered to be privileged and sacrosanct should be precisely known.

5. *New Rule 85A*—Under rule 321, the introduction of identical Bills is not permitted during the same session.

In their Thirtieth Report, the Committee on Private Members' Bills and Resolutions recommended that provision should be made to the effect that when a Bill has been introduced, the notices for introduction of identical Bills should lapse. The Rules Committee while accepting this suggestion feel that discretion should be given to the Speaker to entertain notices of identical Bills in special cases where he thinks that such a course is necessary in the interest of Parliamentary work.

6. *Rule 94*—According to rule 94 a motion in regard to a Bill can, unless it is by way of an amendment, be moved only by the member in charge of the Bill. ‘Member in charge of the Bill’ has been defined in the Rules of Procedure as the member who has introduced the Bill and any Minister in the case of a Government Bill.

This procedure, besides being inconvenient to a private member, sometimes deprives the House of an opportunity to discuss an important private member's Bill, if the member who has introduced the Bill is unable to pilot the same.

The Committee have therefore, agreed to the recommendation made in the Thirtieth Report of the Committee on Private Members' Bills and Resolutions that if the member in charge of a Bill is unable

to pilot the Bill after introduction, he may authorise another member to do so with the approval of the Speaker.

7. *Rule 115*—The amendments are of a drafting nature and have been suggested in order to make the intention of the rule clear.

8. *Rule 131*—At present the Third Reading of a Bill is generally taken up immediately after the Second Reading is over. As a result of this procedure there is no time available for members to study the Bill, as amended, after the Second Reading is over.

The Committee feel that the proposed amendment would enable the members to consider properly the Bill as amended during the Second Reading.

9. *Rule 147*—This amendment is of a drafting nature and makes the intention of the rule clear.

10. *Rule 149*—(1) The motion that the Bill be referred to a Select Committee or to a Joint Committee can be moved by the member in charge of the Bill. Such a motion can also be moved by any other member by way of amendment to the motion “that the Bill be taken into consideration”. The rejection of the motion “that the Bill be referred to a Select/Joint Committee”, moved by any member by way of an amendment, under rule 93(2), does not cause the removal of a Bill from the Register of pending Bills. The words “made by the member in charge of the Bill” are being inserted in order to clarify the intention of the rule.

(2) Under rule 149(1) a Bill shall be removed from the Register of Bills if the motion in regard to that Bill “that the Bill be referred to a Select Committee” is rejected by the House. The rule does not indicate the consequences of the rejection of the motion “that the Bill be referred to a Joint Committee” which stands on the same footing.

The proposed amendment removes this lacuna.

11. *Rule 167*—The rule provides for a special majority for the passing of each clause or schedule of a Bill seeking to amend the Constitution. The Committee consider that the Short Title, the Enacting Formula and the Long Title are only formal provisions and do not affect the Bill on its merit and may, therefore, be passed by a simple majority. Hence the amendment.

12. *Rules 181, 265 and 278*—At present Ministers are debarred from membership of the Estimates and the Public Accounts Committees. The Committee feel that the Ministers may also be debarred from membership of the Committees on Petitions, Subordinate Legislation and Government Assurances.

13. *Rule 243*—It has been experienced that for a complete and exhaustive examination of the Estimates of a Ministry, three or four sub-committees, each dealing with one or more subjects under the Ministry are required. Further one or two sub-committees are also needed to pursue the recommendations made in the previous reports of the Committee.

The Committee therefore feel that the membership of the Estimates Committee should be raised from twenty-five to thirty.

14. *New Rules 263A and 263B*—At present, the procedure regarding service of a legal process or arrest, within the precincts of the House, has not been laid down in the Rules of Procedure.

As the precincts of the House are privileged and sacrosanct the prior permission of the Speaker should be necessary for service of a legal process or arrest, within the precincts of the House irrespective of whether the person to be served with the process or arrested is a member of the House or not.

15. *Rule 329*—As in the House of Commons (U.K.) and other Commonwealth countries, the Galleries in India are deemed to be outside the House. Through a number of rulings a practice has been established that there should be no reference to strangers on the floor of the House.

The arguments against references to strangers by speech on the floor of the House also apply equally to clapping and applause when any stranger, whatever be his status, enters the Galleries or the Special Box, because clapping and applause are only indirect forms of references.

The present practice is now sought to be incorporated in the Rules.

16. *Rule 385*—According to the present procedure if the opinion of the Speaker about the decision of a question is challenged, he either declares the determination of the House by asking the members to stand in their seats and having the count taken in the House itself, or holds a regular Division. In the latter case only, the ringing of the Division Bells is contemplated. The amendment provides for the ringing of the Division Bells even when the Speaker wishes to ascertain the determination of the House upon a question by asking the members opposing and the members supporting to rise successively in their places.

17. *Rule 387*—Under this rule, a member on being 'named' by the Speaker is suspended from the service of the House for the remainder

of the session; even when an offence is not of a serious nature so as to call for such a long suspension. The amendment would provide for the determination of the period of suspension according to the circumstances of each case.

18. The Committee recommend that the new Rules and the draft amendments to the Rules of Procedure, shown in the Appendix, may be made.

NEW DELHI
The 3rd December, 1955.

G. V. MAVALANKAR,
Chairman,
Rules Committee.

APPENDIX

LOK SABHA

Amendments to Rules of Procedure and Conduct of Business in the House of the People, as recommended by the Rules Committee.

RULE 2

1. In rule 2, after the definition of "Parliamentary Committee", the following definition shall be inserted, namely:—

"'Precincts of the House' means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify."

NEW RULE 85A

2. After rule 85, the following rule shall be inserted, namely:—

"85A. *Notice of an identical Bill.*—When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs."

RULE 94

3. To rule 94, the following proviso shall be added, namely:—

"Provided that if the member in charge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker.

Explanation.—Notwithstanding the provisions contained in the proviso the member who introduced the Bill shall continue to be the member in charge."

RULE 115

4. In clause (b) of sub-rule (1) of rule 115, after the word "re-committed", the words "to the same Committee or to a new Committee" shall be inserted.

5. In clause (b) (iii) of sub-rule (1) of rule 115. the word "Select" shall be omitted.

RULE 131

6. In rule 131, for sub-rule (2), the following shall be substituted, namely:—

“(2) Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made.”

7. Sub-rule (3) of rule 131 shall be omitted and sub-rule (4) re-numbered as sub-rule (3).

RULE 147

8. In the proviso to rule 147, for the words “has been referred to”, the words “is under consideration by” shall be substituted.

RULE 149

9. In sub-rule (1) of rule 149, after the words “following motions”, the words “made by the member in charge” shall be inserted.

10. After clause (ii) of sub-rule (1) of rule 149, the following clause shall be inserted, namely:—

“(iii) that the Bill be referred to a Joint Committee of the Houses with the concurrence of the Council;”

and subsequent clauses of the sub-rule shall be renumbered accordingly.

RULE 167

11. To rule 167, the following further proviso shall be added, namely:—

“Provided further that the Short Title, the Enacting Formula and the Long Title may be adopted by a simple majority.”

RULE 181

12. To sub-rule (1) of rule 181, the following proviso shall be added, namely:—

“Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such nomination.”

RULE 243

13. In sub-rule (2) of rule 243, for the word “twentyfive”, the word “thirty” shall be substituted.

NEW RULES 263A AND 263B

14. After rule 263, the following rules shall be inserted, namely:—

“Procedure regarding service of a legal process and arrest within the precincts of the House

263A. *Arrest within the precincts of the House.*—No arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

263B. *Service of legal process within the precincts of the House.*—A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.”

RULE 265

15. To sub-rule (1) of rule 265, the following proviso shall be added namely:—

“Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such nomination.”

RULE 278

16. To sub-rule (1) of rule 278, the following proviso shall be added, namely:—

“Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee is appointed a Minister, he shall cease to be a member of the Committee from the date of such nomination.”

RULE 329

17. After clause (ix) of rule 329, the following shall be inserted, namely:—

“(x) shall not applaud when a stranger enters any of the galleries, or the Special Box.

(xi) shall not while speaking make any reference to the strangers in any of the galleries.”

RULE 385

18. In rule 385 —

- (a) the existing sub-rule (3) shall be omitted;
- (b) in clause (a) of sub-rule (4), the following words shall be omitted, namely:—

“and he does not adopt the course provided for in sub-rule (3)”

and the amended clause (a), and clause (b) of sub-rule (4) shall be re-lettered as clauses (a) and (b), respectively of sub-rule (3);

- (c) clause (c) of sub-rule (4) shall be re-lettered as clause (a) of that sub-rule and to the clause, the following proviso shall be added, namely:—

“Provided that, if in the opinion of the Speaker the division is unnecessarily claimed, he may ask the members who are for “Aye” and those for “No” respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.”;

- (d) clauses (d) to (h) of sub-rule (4) shall be re-lettered as clauses (b) to (f).

RULE 387

19. In sub-rule (2) of rule 387, for the words “during the remainder of the Session”, the following words shall be substituted, namely:—

“for a period not exceeding the remainder of the Session”.