C. B. No. 180, Vol. IV

RULES COMMITTEE

FOURTH REPORT

(THIRD LOK SABHA)

(Laid on the Table on the 23rd November, 1966)

LOK SABHA SECRETARIAT
NEW DELHI
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FOURTH REPORT OF THE RULES COMMITTEE

(THIRD LOK SABHA)

The Rules Committee held their sitting on the 9th November, 1966, and approved certain amendments (*See* Appendix-I) to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

2. On the 25th November, 1965 and the 16th March, 1966, Shri Madhu Limaye, M.P., gave notice of certain amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (*See* Appendix-II). The Committee considered these amendments at their sittings held on the 26th April, 4th, 10th, 12th and 18th August, and 2nd September, 1966. The Committee also heard Shri Madhu Limaye on the 26th April and 18th August, 1966 on the amendments proposed by him. The conclusions arrived at by the Committee on them are contained in the Minutes of the Committee which are appended to this Report and form part of it.

3. The recommendations of the Committee on the amendments proposed by them are contained in this their Fourth Report which the Committee authorise to be laid on the Table of the House.

4. With regard to the amendments proposed in Appendix-I to this Report, the Committee observe as follows:

5. *Rule* 46 (*Serial No.* 1 *of Appendix-I*).—The existing rule provides that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker, if the Minister represents to the Speaker that the question is one of special public interest to which he desires to give a reply. The Committee note that on many occasions in the past members have represented to the Speaker in the House to allow an important question which was not reached for oral answer to be orally answered. The Speaker has expressed his inability to give permission without the consent of the Minister as it would impinge on the Government time. Nevertheless, there has been a regular demand that a procedure should be devised whereby members' requests could be acceded to. The Committee have considered the whole matter carefully and have come to the conclusion that an important question, not reached for oral answer during the Question

Hour, may be permitted by the Speaker to be answered at the end of business for the day, if he is satisfied that the question is one of special interest to which oral answer should be given. The Committee, however, consider that in order to save time of the House such a question may be asked on a day on which no short notice question or a calling attention notice is put down. The Committee have accordingly proposed a second proviso to that effect to rule 46.

6. *Rules* 55 *and* 194 (*Serial Nos.* 2 *and* 3 *of Appendix-I*).—The Committee note that at present members can raise discussions on matters of urgent public importance under rule 193. Such discussions are generally held for 2 hours which is, at times, increased to 2½ hours in the discretion of the Speaker. In the absence of any specific provision in the rules regarding the days and hour when discussions of shorter duration can be raised, members are handicapped in raising matters of urgent public importance for shorter duration similar to 'half-an-hour' discussions arising out of replies to questions under rule 55. Consequently, they have to resort to other methods in the form of adjournment motions or call attention notices for raising such matters. The Committee feel that members should have greater opportunities of raising discussions of shorter duration on matters of current general public interest. Such discussions can be taken up at the end of the business for the day wherein short speeches may be permitted—allowing a few minutes each for the mover, the Minister's reply and the mover's reply. The Committee are of the view that 'half-an-hour' discussions under rule 55 and the proposed short duration discussions on matters of urgent public importance may be regulated by spreading them over the whole week. The Committee, therefore, recommend that 'half-an-hour' discussions arising out of replies to questions under rule 55 should be allowed on three sittings in a week and a provision should be made in rule 194 to provide for discussion on general matters of urgent public importance at the end of the business for the day on two sittings in a week for the duration not exceeding one hour. In this manner, it would be possible to provide adequate opportunities to a larger number of members who are interested in raising discussion on a variety of subjects, which are of current interest. Amendments to rules 55 and 194 are proposed accordingly.

7. *Rule* 197 (*Serial No.* 4 *of Appendix-I*).—Under the existing rule, only one calling attention matter can be raised at the same sitting. In actual practice, on some days, two such matters are taken up in the House—one after the Question Hour and the other at the end of the business for the day. The Committee feel that the existing practice of two such matters being raised at the same sitting may be incorporated in the rules.

Under the present rule, although only one such matter can be raised at a sitting, the Committee find that often a member gives a large number of notices for calling attention on different matters at the same sitting. The Committee feel that there is no point in the same member giving more than one notice for calling attention on different matters at the same sitting. The member giving notice must decide as to which of the matters he seeks to raise is more important than the others. Thus there is hardly any purpose served by a member giving more notices than the number of matters that can be raised at a sitting. Since it is proposed to provide for raising two such matters at a sitting, the Committee feel that no one member should have the right to give more than two such notices for the same sitting. In order to give chances to more members for raising such matters, the Committee consider that the members who have raised the first calling attention matter should not raise the second matter at the same sitting.

The Committee have noticed that often large number of names are clubbed to a single matter of calling attention in the List of Business and considerable time of the House is spent in calling all those members to ask questions on the statement made by the Minister in response to the calling attention notice. With a view to save the time of the House, the Committee feel that it would suffice if upto five names of members giving notice for calling attention on the same matter, in order of priority of receipt of notices, are entered in the List of Business and only those members are permitted to ask a question each for clarification of any point contained in the statement made by the Minister in response to the notice. For this purpose, where a notice is signed by more than one member, it should be deemed to have been given by the first signatory and where two or more notices are received at the same time, a ballot should, in accordance with the current practice, be held to determine their priority *inter se*.

The Committee also consider that all notices which are not taken up on the day for which they have been given should lapse and they should not be kept pending at the end of the day. If the matter is of a continuing nature and a member feels on a subsequent day that it is important enough to call for a statement by a Minister, he may repeat the notice on a subsequent day or days.

Necessary amendments to rule 197 are proposed accordingly.

8. *Rule* 342 (*Serial No.* 5 *of Appendix-I*).—During the course of the discussion[1] in Lok Sabha on the Fifty-fifth Report of the Public

[1]. L. S. Deb., 22-8-1966, cc. 6076—6236.

Accounts Committee (1966-67), which was allowed by the Speaker as that Report dealt with a specific issue on which there was disagreement between the Government and the Public Accounts Committee, the consensus of opinion in the House was that there should be no substantive or substitute motion on the Report of a Financial Committee as that would mean voting on it which would hamper the efficient and effective working of the Committee. It was also felt that division on the Report of a Financial Committee, which consisted of members of the various parties, would put the members in an embarrassing position, as the question would arise whether there should be loyalty to the Committee or to the respective parties. Ultimately, the substitute motions which had been tabled earlier were not put to vote, consequent on the House adopting the following two motions:—

(i) 'That Rule 342 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the substitute motions moved today, be suspended.'

(ii) 'That no substitute motion moved today, be put to the vote of the House.'

During the course of discussion[2] in the House, a suggestion was made that the question of allowing substantive motions on the recommendations of the Financial Committees be referred to the Rules Committee and that a rule should be made to the effect that whenever a motion for the consideration of a report of a Financial Committee was brought before the House, no substantive motion should be permitted thereon.

The Committee suggest the proposed proviso to rule 342 to give effect to the aforesaid decision of the House.

9. *Rule 387B (Serial No. 6 of Appendix-I).*—Under article 356 of the Constitution, the President may by Proclamation declare that the powers of the Legislature of a State shall be exercisable by or under the authority of Parliament. On such a Proclamation being issued, Parliament is empowered to make laws in respect of that State or to confer on the President the powers of that Legislature to make laws. When such a Proclamation is issued, Lok Sabha has to pass demands for grants, Appropriation Bills and take up other business which would normally come before that Legislature but for the President's Proclamation. Whenever such Proclamations have been issued in the past (*e.g.* in respect of the States of Punjab, Andhra Pradesh, Orissa, Kerala etc.), business concerning those States has been transacted by Lok Sabha in accordance with the provisions of the Rules of Procedure and Conduct of Business in Lok

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[2]. *Ibid.*

Sabha, with such modifications and variations as the Speaker deemed fit. In the absence of a specific provision in the Rules of Procedure of Lok Sabha to deal with such matters coming up before the House, the Rules of Procedure of Lok Sabha have been followed in pursuance of the Directions of the Speaker under rule 389 of the Rules of Procedure and Conduct of Business in Lok Sabha. The Committee feel that there should be a specific provision in the Rules of Procedure of Lok Sabha which should explicitly make the Rules of Procedure of Lok Sabha applicable *mutatis mutandis* to the business pertaining to the States under the President's rule coming up before the House. Rule 387B is proposed accordingly.

10. The Committee recommend that the draft amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition) shown in Appendix-I may be made.

HUKAM SINGH,
Chairman,
Rules Committee.

NEW DELHI;
The 21st November, 1966.

APPENDIX I

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition) as recommended by the Rules Committee.

RULE 46

1. In rule 46, after the proviso, the following further proviso shall be added, namely:—

"Provided further that on a day on which no short notice question is answered or no statement under rule 197 is made by a Minister, a question not reached for oral answer may be answered at the end of the business for the day, with the permission of the Speaker, if he is satisfied that the question is one of special public interest to which an oral answer should be given."

RULE 55

2. In sub-rule (1) of rule 55, after the words "half an hour" the words "on three sittings in a week" shall be inserted.

RULE 194

3. In rule 194, for the words beginning with the words "and is of sufficient importance" and ending with the word "circumstances" the following words shall be substituted, namely:—

"he may allow two sittings in a week on which such matters may be taken up for discussion and allow such time for discussion not exceeding one hour at the end of the sitting, as he may consider appropriate in the circumstances."

RULE 197

4. (1) After sub-rule (1) of rule 197, the following proviso shall be inserted, namely:—

"Provided that no member shall give more than two such notices for any one sitting."

(2) At the end of sub-rule (2) of rule 197, the following shall be added, namely:—

"but each member in whose name the notice stands in the list of business may, with the permission of the Speaker, ask a question and not more than five members, in order

of priority of receipt of notices, shall be shown in the list of business.

Explanation.—Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only and if two notices are received at the same time, a ballot shall be held to determine the relative priority of each such notice."

(3) In sub-rule (3) of rule 197, for the words "one such matter", the words "two such matters" shall be substituted.

(4) After sub-rule (3) of rule 197, the following proviso shall be inserted, namely:—

"Provided that the second matter shall not be raised by the same members who have raised the first matter and shall be raised at the end of the business for the day."

(5) For sub-rule (5) of rule 197, the following shall be substituted, namely:—

"(5) All the notices which have not been taken up on the day for which they have been given shall lapse at the end of the day."

RULE 342

5. To rule 342, the following proviso shall be added, namely:—

"Provided that when a motion is that a report of the Committee on Estimates or the Committee on Public Accounts or the Committee on Public Undertakings be taken into consideration, no substantive motion shall be moved nor shall there be any voting on such motion.

Explanation.—A motion for consideration of the report of any of the Committees specified in this proviso shall not be admissible unless the report or part of the report deals with a specific matter on which there has been disagreement between the Committee and the Government."

RULE 387B

6. After rule 387A, the following rule 387B shall be inserted, namely:—

"Application of rules to business pertaining to a State under the President's rule.

387B. These rules shall, with such variations or modifications, as the Speaker may from time to time make, apply to the business pertaining to a State, the powers of whose Legislature are, by virtue of a Proclamation issued by the President under article 356 of the Constitution, exercisable by or under the authority of Parliament."

APPENDIX II

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha given notice of by Shri Madhu Limaye, M.P.

S. No.	Text of amendment
	RULE 38
1.	At the end of this Rule add: *"Provided that no two Ministries from among Home Affairs, Foreign Affairs, Finance, Defence and P.M. and Atomic Energy shall be grouped together on any one day."*
	RULE 43(1)
2.	Delete the words, *"When in his opinion it is an abuse of the right of questioning or is calculated to obstruct or prejudicially affect the procedure of the House or".*
	RULE 44
3.	The proviso to the Rule should read as follows: "Provided that the Speaker *shall, as far as possible,* call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for written answers."
	RULE 46
4.	The proviso to this Rule shall read as follows: "Provided that a question not reached for oral answer may be answered after the end of the Question Hour *with the permission of the Speaker."*
	RULE 50
5.	At the end add the following sub-Rule: 50(3): "If the answers of Ministers are, in the opinion of the Speaker, perfunctory or irrelevant, the Speaker may call the Minister to order and direct him to give a proper answer."

S. No.	Text of amendment
	RULE 55(3)
6.	From this sub-rule the words "and may not admit a notice which, in his opinion seeks to revise the policy of Government" be omitted.
	RULE 56
7.	This Rule should read as follows:— "56(1): Subject to the provision of these rules, an ordinary or special motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made, with previous intimation to or the consent of the Speaker respectively. 56(2): An ordinary adjournment motion which may be made four times a week, shall be for the purpose of raising half an hour discussion and special adjournment motion shall be in the nature of a censure motion. 56(3): During a discussion on an ordinary adjournment motion, to which Rule 60 shall not apply, no speaker shall speak for more than three minutes except that the Minister may take five minutes and the mover may make a two-minute reply at the end. 56(4): The priority of such a motion from among those held in order by the Speaker on any day shall be determined by ballot."
	RULE 60
8.	In Rule 60(2) the number "50" shall be substituted by the number "25". Rule 60(1)—Delete the words "The Speaker if he gives consent under Rule 56 and" and substitute the following "If the Speaker holds that the matter is in order...."
	RULE 174
9.	Delete the words, "When in his opinion it is an abuse of the right of moving resolution or calculated

S. No.	Text of amendment
	to obstruct or prejudicially affect the procedure of the House or".
	RULE 182
	Add the following sub-rule 182(3):
10.	"182(3): At any time after a resolution has been moved a Member may move that the debate be adjourned and taken up on the next appropriate date and House may give its consent to such an adjournment if in its opinion there are reasons which require such an adjournment."
	RULE 187.
11.	Delete the words, "When in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or".
	RULE 190
	Add the following proviso:
12.	"Provided that at least not less than two such No-Day-Yet Named Motions are taken up for discussion in a short Session and three such Motions during the long Session."
	RULE 197(1)
	Sub-Rule 197(1) shall read as under:
13.	"197(1): A Member may, *with previous intimation to the Speaker,* call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date."
	RULE 197(3)
14.	Delete the existing sub-Rule 197(3) and substitute the following:
	"Not more than two such matters, to be chosen by ballot from among the notices held by the Speaker in order, shall be allowed to be raised on any one day."

S. No.	Text of amendment
	RULE 197(4)
15.	Delete the existing sub-Rule 197(4) and substitute the following: "No member shall give on any one day more than two notices concerning matters which in his opinion are of urgent public importance."
	RULE 198(2)
16.	For th number "fifty", substitute *twenty-five*.
	RULE 200(2)
17.	Rule 200(2): For the existing Rule 200(2) substitute the following: "On receipt of a notice under sub-rule (1) a motion for leave to move the resolution shall be entered in the list of business in the name of the member concerned, on a day fixed by the Speaker, provided that the day so fixed shall be as soon as may be convenient after fourteen days from the date of the receipt of notice of the resolution."
	RULE 201
18.	Delete sub-rules (2) and (3) of Rule 201.
	RULE 211
19.	Delete the words "is an abuse of the right of moving cut motions or"
	RULE 222
20.	For the existing Rule 222, substitute the following: "A member may, with previous intimation to the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof."
	RULE 225
21.	Delete 225(1) and 225(2) and substitute the following: "Rule 225(1): If the Speaker holds that the notice is in order and is satisfied that there is *prima facie* breach of privilege he may direct that the motion may be given priority and be taken up before the list of business is entered upon.

S. No.	Text of amendment

Rule 225(2): If the Speaker holds that the notice or notices are in order they shall be entered on the list of business for the day but shall not receive priority."

RULE 256

22. Style existing Rule 256 as Rule 256(1) and insert the following as Rule 256(2):

"256(2): In nominating the Consultative Committee for a State where President's rule under Article 356 of the Constitution has been established due regard shall be had to Party view points reflected in the dissolved Assembly of the State, and in respect of other nominated Committee, the Speaker shall, as far as possible, accommodate all distinctive view points in the House."

RULE 330

23. Substitute the following for the existing rule:

"330. The Committee on Rules shall be nominated by the Speaker in such a manner that all the distinctive view points are represented on it and shall consist of 15 members including its Chairman. The Speaker shall be an *ex-officio* member of the Committee but shall not be its Chairman."

RULE 331

24. Change Rule No. 331(4) to 331(5) and add the following sub-rule to be styled as 331(4):

"Rule 331(4): A member desirous of suggesting amendments to the Rules of Procedure and Conduct of Business in Lok Sabha may do so by giving a notice in writing and the Speaker shall forward them to the Rules Committee for its consideration, whose duty it will be to report on these suggestions to the House within a fortnight of the receipt of such a notice, the interval during two Sessions not being counted in calculating this period of a fortnight."

Rule 331(4).—This rule shall be re-numbered as 331(5).

S. No.	Text of amendment
	RULE 331(6)
25	Add the following new sub-rule 331(6):
	"On a demand by a Member that the recommendations of the Committee on the amendments of Rules initiated by themselves or on the amendments suggested by Members be debated in the House, the Speaker shall allot reasonable time for discussing these recommendations at the end of which the recommendations shall either be accepted or rejected or accepted subject to modifications by the House."
	RULE 373
26.	373(2). *Unparliamentary words*
	"If any member objects that certain words used in debate are unparliamentary he shall be asked by the Speaker to state them to the House as he conceives them to have been spoken and if the Speaker agrees that the words used are unparliamentary he shall ask the member to tender explanation, and if the explanation be not found convincing, to withdraw them.
	On refusal to withdraw the Speaker shall ask the member to withdraw from the House for the rest of the day."
	RULE 374
27	374(2). *Suspension of Members*
	"If a Member be so named the Speaker shall forthwith put the question, on a motion being made by the Leader of the House, that the Member be suspended from the service of the House no amendment, adjournment or debate being allowed.
	Provided that the Speaker may allow, if the Member against whom the motion has been moved so desires, to make a brief statement before putting the question.
	(3) If any Member be suspended under 374(2) his suspension on the first occasion in a session shall continue until the fifth day, and on the second occasion until the twentieth day, but on any subsequent occasion till the remainder of the Session until the House shall resolve that such suspension be terminated."

MINUTES OF THE SITTINGS OF THE RULES COMMITTEE

I

[EXTRACTS FROM MINUTES* OF THE SITTING OF THE RULES COMMITTEE HELD ON TUESDAY, THE 26TH APRIL, 1966]

"The Committee met from 15.30 to 16.00 hours.

PRESENT

Sardar Hukam Singh—*Chairman*

MEMBERS

2. Shri S. V. Krishnamoorthy Rao
3. Shri Jagannath Rao Chandriki
4. Shri Gokulananda Mohanty
5. Shri Chhotubhai M. Patel
6. Dr. Rajendra Kohar
7. Shri Era Sezhiyan
8. Shri Satya Narayan Sinha
9. Shri N. M. Wadiwa.

Shri Madhu Limaye, M.P.—*Present on his request*

Shri Jaganath Rao, Minister of State in the Department of Parliamentary Affairs—*Present by invitation.*

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of Memorandum No. 13 regarding the notice of amendments given by Shri Madhu Limaye, M.P. Shri Madhu Limaye desired that a copy of the memorandum prepared by the Secretariat thereon might be given to him so that he might go through it. This, according to him, would facilitate the

*Laid on the Table of the House on the 16th May, 1966.

discussion. The Committee considered that in view of what Shri Limaye had urged, a copy of the Memorandum* might be given to him and he should submit his further statement on his amendments within a week or ten days.

The Committee also observed that as the Committee would be reconstituted with effect from the 1st May, 1966, the matter would have to be placed before, and considered by, the new Committee after Shri Limaye had submitted his further statement.

Shri Madhu Limaye then withdrew.

* * * * * *"

*A copy of the Memorandum was given to Shri Madhu Limaye at the sitting.

II

New Delhi, Thursday, the 4th August, 1966.

The Committee met from 15.30 to 16.00 hours.

PRESENT

Sardar Hukam Singh—*Chairman*

MEMBERS

2. Shri A. E. T. Barrow
3. Shri Laxmi Narayan Bhanja Deo
4. Shrimati Renu Chakravartty
5. Shri Jagannath Rao Chandriki
6. Shri Ghanshyamlal Oza
7. Shri Jaganath Rao
8. Pandit K. C. Sharma
9. Shri Balkrishna Wasnik.

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of the draft amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.) given notice of by Shri Madhu Limaye, M.P. The Committee considered draft amendments to rules 38 and 43(1), as set forth in Appendix II* of Report.

3. *Rule* 38 (*Serial No.* 1 *of Appendix II of Report*).—The Committee observed that the grouping of Ministries for the purpose of answering questions in the House was done in such a way that there was an equitable distribution of questions in each of the five groups. Another important consideration in grouping the Ministries was the need of putting Ministries dealing with allied subjects in the same group so that each Minister was required to be present in the House only once in a week for answering questions. The Committee considered that the existing system was working very well and should

*See items Nos. 1 and 2 in Appendix II of Report.

not be changed. The Committee, therefore, did not accept the proposed amendment.

The Committee did not also agree with the alternative suggestion made by Shri Madhu Limaye in the written statement, submitted by him in justification of his amendments, that in every session two additional days should be reserved for the questions relating to the Ministries in Group A which included the Ministries of External Affairs, Defence and the Prime Minister's Secretariat, as it would be at the cost of the other Groups and would upset the equitable distribution of time at present allocated to the questions relating to the different groups of the Ministries.

4. *Rule* 43(1) (*Serial No.* 2 *of Appendix II of Report*).—The discussion on the amendment was not concluded.

5. The Committee adjourned to meet again on Wednesday, the 10th August, 1966, at 15.30 hours.

all the Questions given notice of for oral answers might be included in the List of Starred Questions. She felt that many questions which should find a place in the List of Starred Questions were included in the List of Unstarred Questions. It was explained that where there were sufficient grounds for unstarring a question, it was unnecessary to call upon the member as a matter of course to state the reasons for desiring an oral answer to the questions. Further such a course of action would lead to a lot of unnecessary correspondence and delay in deciding the admissibility of questions. The discretion of the Speaker to decide whether or not to call upon a member to state the reasons for desiring an oral answer to a question before arriving at a decision was necessary. It should not be obligatory for the Speaker to call for reasons in every case. He might do so where he considered it necessary. Guide lines could be stated in the minutes as to what kinds of questions should be put in the Lists of Starred Questions and what kinds in the Lists of Unstarred ones. The Committee desired that a list of the categories of questions which should normally be in the Unstarred List might be prepared and put up before them.

As regards the point that some questions which were given notice of as Starred Questions were included in the List of Unstarred Questions, it was explained that this was due to the fact that according to the present practice, only 30 questions were included in the List of Starred Questions and all others were automatically included in the List of Unstarred Questions. It was pointed out that increasing the number of questions in the Starred List would be an unreal thing as even when 30 questions were placed on the list of Starred Questions, the House could cover only 5 or 6 questions and the remaining questions automatically became Unstarred Questions. Moreover, if the distinction between a Starred Question and an Unstarred Question was done away with, it would entail huge amount of work on the part of the Ministries as they had to prepare full briefs for the concerned Ministers in respect of questions included in the List of Starred Questions.

Shrimati Renu Chakravartty suggested that efforts should be made to have more questions put through during the Question Hour. She suggested that the Speaker, instead of calling all the members whose names had been clubbed to the question to ask supplementaries, should use his discretion and select members for the purpose. After a question had been adequately answered, the Speaker could pass on to the next question. She, however, said that she would first discuss this matter with the Leaders of the various opposition groups before making any formal suggestion.

5. *Rule* 46 (*Serial No.* 4 *of Appendix II of Report*).—The Committee noted that the principle underlying the existing proviso was that when a question was answered after the Question Hour, it made an inroad into the normal Government time. Hence, normally a request was not made by members for answers to questions which had not been reached for oral answers. The Speaker, however, gave permission to a Minister to answer a question after the Question Hour on the Minister representing that the subject matter of the question was one of special public interest and also as the Minister took Government time.

The Committee also noted that a similar amendment given notice of by Shri H. V. Kamath had been considered by the Rules Committee at their sitting held on the 11th November, 1965 and the Committee had felt that it was not necessary to amend the rule as proposed by Shri H. V. Kamath (*vide* Rules Committee Minutes, dated 11th November, 1965, p. 2, para 4).

It was also explained that at present, besides half-an-hour discussions and calling attention matters, one or two Short Notice Questions were being put down on the Order Paper almost every day and they served the same purpose.

Shrimati Renu Chakravartty suggested that to avoid an inroad into Government time, an important question, not reached for oral answer during the Question Hour, could be taken up for oral answer either five minutes before the end of the Question Hour or after the normal sitting hours of the House but the discretion to allow it should vest in the Speaker and it should not be left to the Minister to represent to the Speaker that he desired to give a reply. The Committee felt that that could be considered, provided time was allowed to such a question being asked on a day on which no Short Notice Question or Calling Attention matter was put down. The Committee desired that a draft rule might be prepared and put up before them.

6. *Rule* 50 (*Serial No.* 5 *of Appendix II of Report*).—It was explained that it would not be necessary to frame a rule in the terms suggested. The power was inherent in the Speaker for the proper conduct of proceedings of the House. In actual practice also, the Speaker had often helped members to elicit more information in answer to questions in appropriate cases. This power of the Speaker could be more effectively exercised when not expressly stated.

7. The Committee then adjourned to meet again on Friday, the 12th August, 1966 at 15.30 hours to resume consideration of the remaining items of the agenda.

IV

New Delhi, Friday, the 12th August, 1966.

The Committee met from 15.30 to 15.50 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri A. E. T. Barrow.
3. Shri Laxmi Narayan Bhanja Deo.
4. Shrimati Renu Chakravartty.
5. Shri Ananda Nambiar.
6. Shri Era Sezhiyan.

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

2. The Committee resumed further consideration of the draft amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.) given notice of by Shri Madhu Limaye, M.P. The Committee considered draft amendments to rules 55(3) and 56, as set forth in Appendix II* of Report.

3. *Rule* 55(3) (*Serial No.* 6 *of Appendix II of Report*).—The Committee noted that the subject matter of the amendment proposed by Shri Madhu Limaye had already been considered by the Rules Committee on the 14th April, 1953 who were of the view that matters seeking to revise the policy of Government should not be raised during half-an-hour discussions.

The Committee observed that the purpose of half-an-hour discussion was to elicit more information or obtain clarification on a question and also to emphasise a particular point which arose out of the question more precisely than could be done within the time available during the Question Hour. If large questions calling for a revision of policy were permitted, the utility of the half-an-hour discussion

**See* items Nos. 6 and 7 in Appendix II of Report.

would be lost. The Committee, therefore, did not accept the proposed amendment and decided that the existing provision in the rule should not be changed.

4. *Rule* 56 (*Serial No.* 7 *of Appendix II of Report*).—The Committee felt that adjournment motions could not be divided into two categories of motions—ordinary adjournment motions and special adjournment motions, as suggested by Shri Madhu Limaye. An adjournment motion must relate to a definite matter of urgent public importance. Ordinary motions could always be made under rule 184 which related to motions generally. The Committee, therefore, did not accept the proposed amendment.

5. At this stage, the Chairman received a letter from Shri Madhu Limaye, M.P., requesting for permission to appear before the Committee to make further oral submissions on his amendments. The Chairman read out the letter to the Committee who decided to accede to Shri Madhu Limaye's request.

6. The Committee then adjourned to meet again on Thursday, the 18th August, 1966 at 15.30 hours to hear Shri Madhu Limaye, M.P.

V

New Delhi, Thursday, the 18th August, 1966.

The Committee met from 15.30 to 16.55 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri Laxmi Narayan Bhanja Deo.

3. Shrimati Renu Chakravartty.

4. Shri Ananda Nambiar.

5. Shri R. S. Pandey.

6. Shri Jaganath Rao.

7. Pandit K. C. Sharma.

Shri Madhu Limaye, M.P.—*Present on his request.*

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of Memoranda Nos. 13 and 19 regarding amendments given notice of by Shri Madhu Limaye, M.P.

3. At the outset, the Chairman asked Shri Madhu Limaye, who was present on his request, to say whatever he desired to supplement what he had already stated in his written statement* submitted to the Committee on the amendments to the Rules of Procedure and Conduct of Business in Lok Sabha earlier given notice of by him.

Rule 38

4. Shri Madhu Limaye explained that from the analysis of questions answered during the last three or four sessions, it was noticed that there were larger number of questions on Mondays, *i.e.* questions in respect of Ministries listed in Group A. He suggested that either the five Ministries included in Group A should be allocated different

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* *See* Annexure.

days or if there were any difficulties, as had been pointed out by the Secretariat, at least one or two additional days might be allotted to that Group in a session. The Chairman stated that the allotment of additional days would be at the expense of other Ministries. More questions for Ministries in Group A could not be answered unless a Ministry from that Group was shifted to some other Group.

Rule 43(1)

5. Shri Limaye stated that even after his amendment was accepted, Rule 43(1) would give sufficient power to the Speaker to disallow a question or part of a question or a supplementary question. The additional discretionary power specified in the rule was not necessary because the conditions laid down in the rules were exhaustive. He added that the Rules of Procedure contained expressions such as 'with the permission of the Speaker', 'with the consent of the Speaker' etc. These expressions conveying additional powers of the Speaker were not necessary as, in his opinion, every presiding authority had certain inherent powers to hold a particular motion or question in order or out of order. That was inherent in the presiding authority, without which no assembly in the world could function. So, there was no reason why this additional power of 'consent' should be there. It gave an impression that some absolute unfettered discretion was being vested in the Speaker.

Rule 44

6. Shri Limaye said that he often found that many questions which he thought should be put down as Starred Questions were put down as Unstarred Questions and some questions which he would not mind being put down as Unstarred ones were included in the list of Starred Questions. It was explained that Questions had to be considered in point of receipt of time. Notices of unimportant Questions might be received earlier and they had to be put down first. Moreover, questions in excess of 30, though given notice of as Starred Questions, were included in the list of Unstarred Questions.

Shri Limaye stated that many of his important questions had been disallowed on the ground that they were in excess of five. He, therefore, desired that the restriction on the number of Unstarred Questions for a day should be removed. The Chairman stated that he could not help if the number of questions in the name of a member for a particular day was in excess of five. As regards the removal of restrictions on the number of Unstarred Questions to be admitted in

the name of a member, it was for the members to decide. But the fact was that each question, whether Starred or Unstarred, cost a great deal to the Exchequer. Thousands of questions were being received from the members these days. Shri Limaye suggested that questions which were frivolous in nature should be disallowed.

Rule 46

7. Shri Limaye stated that a question not reached for oral answer might be answered after the end of the Question Hour with the permission of the Speaker. He desired that the power to permit such a question being answered should be vested in the Speaker who would naturally use it sparingly. The Chairman pointed out that after the Question Hour, the official time commenced, *i.e.* time for transaction of Government business. After the Question Hour, the members' time ended and if more time was to be taken, that would be out of time for Government business. It was, therefore, that the Minister's desire or request was necessary to answer a question not reached for oral answer during the Question Hour. Shri Limaye pleaded that the power to be vested in the Speaker would be very sparingly used. Sometimes, the question might be very important but embarrassing for the Government to answer. It should not, therefore, be left to the Minister to make a request to answer such a question.

Rule 50

8. Shri Limaye said that the Speaker should have the power to call the Ministers to order, if their replies were found to be perfunctory or irrelevant. The exercise of such a power would improve the quality of the Question Hour.

The Chairman stated that the Question Hour could be more lively if only three or four supplementaries were allowed on a question. Shrimati Renu Chakravartty had promised earlier that she would discuss this matter with the leaders of the various Opposition Groups. Shri Limaye agreed that it was quite fair if supplementaries on a question were generally restricted to three or four only. The names of members to be called for supplementaries could be decided by ballot. He, however, urged that the amendment proposed by him to rule 50 should be considered by the Committee.

Rule 55 (3)

9. Shri Limaye urged the Committee to consider whether the words 'and may not admit a notice which, in his opinion, seeks to

revise the policy of Government' occurring in rule 55(3) were really necessary.

Rule 56

10. Shri Limaye stated that he had no objection if the ordinary adjournment motion as suggested by him, was merged with the half-an-hour discussion or on some days they could have half-hour adjournment motions. He said that at present half-an-hour discussions arose from replies to questions only. The ordinary adjournment motion should be on any important matter which could be taken up immediately. It would not be in the form of a censure motion. Under this motion, the member would have a right of reply. He did not want long speeches on such motions—a few minutes each for the mover, Minister's reply and the mover's reply could do. The Chairman stated that at present important matters were taken up in the form of an adjournment motion or calling attention notice. If an half-hour adjournment motion to discuss general matters was desired, it could be done but in that event the facilities to raise matters by way of calling attention and adjournment motions might go. Shrimati Renu Chakravartty pointed out that provisions for longer discussions existed under rules 184 and 193. There was no provision for discussions of a shorter duration. She suggested that like half-an-hour discussions arising out of replies to questions, they could have a category of short duration discussions on general matters between 17.00 and 17.30 hours without doing away with the present adjournment motions or calling attention notices.

Shri Limaye suggested that during a week, two days could be reserved for half-an-hour discussions arising out of replies to questions and three days for discussions on general matters to topical interest. He had no objection if both were combined provided they had enough time.

Rule 60

11. Shri Limaye desired that the subject matter of an adjournment motion should be mentioned by the Speaker in the House before it was ruled out of order. The Speaker could say that it was not admissible or it did not fulfil the conditions. There should not be any additional element of 'consent of the Speaker' in this regard. The Chairman stated that some times the motion might be such as need not be mentioned in the House because the mere mention of it might do some mischief or harm. Therefore, the discretion must

vest in the Speaker to decide whether it should be mentioned in the House or not. Whenever he considered that it was of importance, he always mentioned it.

Rules 174 *and* 187

12. Shri Limaye stated that the reasons advanced by him for his amendment to rule 43(1) equally applied to these rules.

Rule 190

13. Shri Limaye stated that at least two 'No-Day-Yet-Named Motions' should be taken up during a short session and three during a long session. It was explained that a larger number of such motions was already being brought forward during each session.

Rule 197

14. Shri Limaye suggested that the words 'with the previous intimation to the Speaker' should be substituted for the words 'with the previous permission of the Speaker'. When it was suggested that calling attention notices might be limited to one or two per Group, Shri Limaye said that there should not be any restriction on tabling such notices. He felt that the right of a member should not be taken away in this regard. Notices held in order could, however, be balloted for selection.

Rule 198(2)

15. Shri Limaye desired that the number of members required for grant of leave to move a motion of no-confidence in Ministers should be reduced from 50 to 25. He said that every day there was difficulty about quorum and it was difficult to mobilise members.

Rule 200(2).

16. Shri Limaye desired that his amendment should be considered by the Committee.

Rule 222

17. Shri Limaye said that the element of 'consent of the Speaker' should not be there in the rule because the right to raise a question involving a breach of privilege, either of a member or of the House or of a Committee thereof, was a right which was conferred by the Constitution. Rules of Procedure were there only to give effect to that right and the Speaker had to regulate the exercise of that right.

Where the Speaker held that a *Prima facie* case of breach of privilege had been made out, he should give it priority. In other cases, members should be free to table motions which could be placed on the Order Paper in due course. He did not mind its being left to Government to find time for such motions.

Rule 256

18. Shri Limaye suggested that while nominating members to the Consultative Committees on States under President's rule, the strengths of the various Parties in the concerned State Legislature might also be taken into consideration.

Rule 330

19. Shri Limaye said that the Rules Committee and the Privileges Committee were very important Committees, and senior members who took active interest in the functioning of Parliamentary System should be appointed to them.

Rule 331

20. It was explained that the procedure envisaged by Shri Madhu Limaye in his amendment was already being followed. He said that if that was so he had nothing to say in the matter.

Rule 373

21. Shri Limaye desired that the members of the Committee should go through the two letters he had appended to his statement already submitted to the Committee. He said that when any objection was taken by a member that an unparliamentary expression had been used, the Speaker should allow the member who had used the expression to explain his view-point. The Chairman stated that in that event a discussion would follow and the member might bring in many more things which might make matters worse.

Rule 374

22. Shri Limaye said that he strongly felt about the period for which the members were suspended from the service of the House. The Chairman stated that the punishment could depend only on the circumstances prevailing at the time when the offence was committed. If a more serious offence was committed, merely because it was the first, it should be five days—could not be possible. He added that Shri Limaye had presumed that all cases would be of the same nature and, therefore, the first suspension should be for five days. It all depended on the circumstances and merits of each case.

Shri Madhu Limaye then withdrew.

23. The Committee then adjourned to meet again on Monday, the 29th August*, 1966, at 15.00 hours to resume consideration of the remaining items of the agenda.

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*The sitting for Monday, the 29th August, 1966 could not be held for lack of quorum

ANNEXURE

(*See* para 3 of the Minutes of the Rules Committee, dated the 18th August, 1966).

Statement submitted by Shri Madhu Limaye, M.P., for the consideration of the Rules Committee, regarding the amendments to the Rules of Procedure of Lok Sabha, given notice of by him.*

The Chairman,
Rules Committee,
Lok Sabha.

AMENDMENTS TO THE LOK SABHA RULES OF PROCEDURE—A JUSTIFICATION

By

MADHU LIMAYE

The question of procedural reform must be approached from the stand-point of the effective functioning of our parliamentary institutions. Lok Sabha will become a venerable institution only to the extent it faithfully reflects the joys and sorrows, the hopes and aspirations of the people. Parliamentary procedure must facilitate debate and discussion of important issues. It should not be an instrument in the hands of the Government for stifling criticism of its policies or exposure of its misdeeds. Parliament will lose all significance if it is allowed to be exploited by the ruling party merely as a rubber stamp.

Parliamentary procedure must protect minority rights and afford genuine opportunities for discussing matters of public importance in the House. It must also enable members to question and cross-examine the ministers and subject the administration which wields vast power to a close scrutiny.

We must give up the practice of citing English Parliamentary conventions and usage only when it suits the ruling party. What should be done is to approach English Parliamentary practice critically, adopt and apply its liberal, democratic principles and, if possible, improve upon them.

**See* Appendix II of Report.

Article 118(1) of the Constitution confers on each House of Parliament the right to frame its own Standing Orders and Rules of Procedure. It is a pity, however, that the Lok Sabha never had any full-dress discussion on its own procedure. The Rules of Procedure were not even laid on the Table of the House till 1954, and the practice of submitting changes in the Procedure for the approval of the House was introduced four years after the Constitution came into force.

The existing procedure confers on the presiding authority absolute, dictatorial powers in many matters. The result is not Rule of Law but arbitrary rule by an individual who belongs to one political party, *viz.* the ruling party. Since we have not adopted the English practice of the Speaker severing his connection with his political party upon election to the chair, this is all the more reason why the Speaker's discretionary power in India should be limited to the essential minimum. Discretionary power is an expression which has been much abused in our parliamentary institutions. Discretionary power, if it is to be reasonably exercised, must be severely restricted.

A student of comparative parliamentary procedure in the Commonwealth countries has in his book, "The Office of the Speaker", observed that India's Speaker possesses far wider powers than Speaker in any other Commonwealth country.

With these introductory remarks, I shall proceed to state why the amendments suggested by me should be accepted.

AMENDMENT 1

If an analysis of the number of questions which External Affairs, Home Affairs, Finance, Defence and Prime Minister attracted during the last winter session and current budget session is made, it will be seen that the above-mentioned Ministries are attracting a very large number of questions. If the five main Ministries are distributed over the five working days, there is possibility of larger number of questions relating to these Ministries coming up for oral answers. If the Prime Minister is persuaded to spend a lot more time in the Lok Sabha, the difficulty about "allied Ministries" can be overcome. The Prime Minister, if present, will be able to intervene in matters involving more than one Ministry. Alternatively, in every session, two additional days should be reserved for Group A, which includes the important Ministries of External Affairs, Defence and the Prime Minister.

AMENDMENT 2

It is argued that if this rule is not there, frivolous questions or questions involving baseless allegations and mudslinging will have to be admitted. But a careful perusal of the conditions governing the admissibility of the questions will convince any reasonable person that such frivolous or scurrilous questions have no chance of being admitted under the conditions laid down in the Rules of Procedure. The additional discretionary power granted by Rule 43(1) is therefore totally unnecessary and also unreasonably restrictive of the members' rights to ask questions. Since the Chair has the inherent right to hold whether a particular question is in order or not, this additional veto is unnecessary.

The contention of the Rules Committee, 1954 that the rules were more in the nature of a "guide" cannot be accepted. In fact it is a very dangerous principle. Where the Constitution or the Statute or the Rules of Procedure are clear, there should not be any departure from those rules. In so far as the matter is not covered by the Rules, the presiding authority or the House can certainly derive guidance from the rules. But where the rules are specific any departure from them can only work against individual members and smaller groups. In this connection, I would like the remarks of Speaker Onslow to be brought to the notice of the Rules Committee:—

> "Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far the maxim is certainly true, and is, founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and have become the law of the

House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body."

(JEFFERSON'S MANUAL)

The English practice in this regard is very clear. At page 349 of *May's Parliamentary Practice* it is stated:

"The Speaker's responsibility in regard to questions is limited to their compliance with the rules of the House. Responsibility in other respects rests with the Member who proposes to ask the question."

Why then cannot the members of the Lok Sabha be trusted to act with a sense of responsibility? The present discretionary power is sometimes misused by the Secretariat to shut out inconvenient questions or extend protection to Ministers in potentially embarrassing situations. I shall only mention two concrete instances about which I had occasion to correspond with the Secretariat.

On 17th November, 1965, the Minister for External Affairs made a declaration to the effect that it was the policy of the Government of India to extend sympathy and support to the free Pakhtoonistan movement and that if Khan Abdul Gaffar Khan were to come to India to sponsor this movement, he would be most welcome and that the Government would give him all the assistance that he might require. I asked a question as to the impact the Tashkent Agreement would have on this declaration and whether the policy embodied in this speech continues to represent the current policy of the Government. My question was disallowed without telling me in what way this question failed to comply with the conditions laid down in the Rules of Procedure. Similarly, my question regarding under what clause of the Constitution the Prime Minister claimed a "very special position" for herself and the names of the countries in which, according

to her, the Prime Minister enjoys such a privileged position, was repeatedly disallowed in spite of my perseverence. Similarly. I feel that there should be no restriction on the number of unstarred questions a member may ask provided the questions comply with the conditions laid down in the Rules.

AMENDMENT 3

If a member is assured that he will be heard by the Secretariat before changing his questions from starred to unstarred, the tendency to style all questions as starred will be curbed. He will then use his own discretion in starring the question. At present the power to change a question from starred to unstarred some times deprives the member of his right to ask 3 starred questions.

AMENDMENT 4

The English practice in regard to ministerial discretion not to answer questions not reached during question hour is sometimes quoted with approval, but the fact is that because of the existence of the two party system, the Ministers are far more careful in answering questions there than they are in this country and so larger number of questions are disposed off there than in our Lok Sabha. Besides if the amendment suggested by me is more democratic why should we not adopt it. Why should we be slaves of the British practice where only ministerial prerogatives are concerned?

AMENDMENT 5

According to the British usage, the Ministers may refuse to answer a question on any of the following grounds:—

(a) It is not in public interest to disclose the information asked for,

(b) Labour involved in collecting the information is not commensurate with the results achieved, and

(c) Information is not available.

(*May, Page* 351, *XVI*[1] *Edition*)

I do not wish to take away from the Ministers their right to refuse answers to questions on the above grounds, but increasingly we are witnessing a very frustrating tactic adopted by the Ministers to return irrelevant answers or give perfunctory replies. What my amendment seeks to do is to enable the Speaker to call the Ministers to order and make him give relevant answers. This will not only take any of the essential rights of Ministers but will only make them

more responsible and careful in answering questions. It will act as an effective check on their irresponsibility and supercíliousness and make the ministers do their home-work properly. Incidentally it will also save the valuable time of the House which is taken by the members' raising points of order or seeking Speaker's protection and the Speaker's then repeating the question for the minister's benefit. It is not proper to say that the member should find out his own remedy. This is a counsel of despair and will deliver a death blow to the members' faith in the efficacy of parliamentary procedures. This is a most essential amendment and will considerably improve the quality and level of the Question Hour exchanges.

AMENDMENT 6

The object in asking questions is certainly to elicit information on matters of public importance. However, it is implicit that the member asking questions is thereby seeking a change in the Government's policy on the subject or at least a reconsideration of that policy. The scope of Half-an-Hour Discussion arising out of questions is somewhat wider and in admitting notices the fact that it asks for re-consideration of policy should not be considered a disqualification, if the alternative policy suggested is of a specific and limited character.

AMENDMENT 7

In order to distinguish the two types of adjournment motions suggested in the amendment, two separate forms can be printed. The first form may be entitled "ordinary adjournment" and the second form "special adjournment" with the words "relating to failure of the Government" below in brackets. Rule 60 and also 63 shall not apply to ordinary adjournments.

In case of ordinary adjournments the Speaker shall be required to decide only whether or not they are in order. Those found to be in order will be balloted. The motion which receives priority alone shall be taken up for discussion on Half-an-Hour adjournment. The fears that this will create chaos are absolutely groundless. The notices which fail to receive priority may be allowed to be revived the next day. Let every member take his chance. If his name alone is balloted then he can be permitted to choose from among his notices held by the Speaker in order. The notices held in order but not discussed may be revived the next day and if they receive top priority may be taken up next day.

In the case of "special adjournments" which are in the nature of censure motions, the present procedure may be followed. In accordance with the present practice in respect of these adjournments, the Speaker may be allowed to have additional power of a discretionary nature over and above his inherent power to hold whether a motion is in order or out of order, that is to say whether it complies with the conditions laid down in the Rules relating to such adjournments.

That frivolous motions will come up in the form of "special adjournment" is an unconvincing and specious argument because under my amendment the Speaker will continue to have discretionary power in respect of adjournments which are in the nature of censure motions.

The distinction between the inherent right of the Speaker to hold whether a particular notice or motion is in order and the power to give or withhold the consent is of great significance. Power to hold a particular notice in order is a very restricted power but is absolutely necessary for the orderly conduct of business of any Assembly. My grievance against the existing rule is not that it gives the presiding authority this absolutely essential power but that it also clothes him with absolute, discretionary power which cannot but result in the suppression of discussion of important issues in the House. The rules can provide that there will be no voting on ordinary adjournment but only on Special Adjournment which may be permitted to be raised if 25 members rise in their seats to support it.

The objection that the ruling party will try to shelve the adjournment motion (in the nature of a censure motion) by making their members absent themselves from the House is most unconvincing. The efficacy of the parliamentary system assumes willingness of the ruling party to work it, to let the minority examine and criticise Government policies. Since it has the majority's support in the House it can always defeat a censure motion. The existence of the Government is not at stake.

AMENDMENT 9

I do not concede any residuary power to the presiding authority to disallow a resolution or motion. This fantastic claim was put forward by Mr. Mavlankar in 1954. It is not at all necessary for executing the office of the Speaker properly or for regulating the procedure of the House. It is anti-democratic, and introduces arbitrariness in parliament procedure. We should revert to

the pre-1954 practice or that laid down in my amendment which is far more democratic than present one.

AMENDMENT 10

The charge that the limited time will be monopolised by one member is baseless. He has already secured priority in the ballot; he is only trying to exercise it. Others whose names have come out in the ballot shall not suffer. The next is bound to be taken up; only the first will be protected.

Suspension of the rule does not solve the problem. As an instance I quote the incident relating to Mr. Bhagwat Jha Aazd's resolution on the Commonwealth which was taken up along with the resolution on ceasefire on the last day of the Monsoon session of the Lok Sabha without formally suspending the rules. But since the whole House concurred in this, it was taken as having the effect of suspension of the relevant rules but the fact remains that no formal motion was made for suspending the rules that day. However, when this part-heard resolution came up for discussion in the next session, strict adherence to rules was insisted upon despite the fact that a very special procedure had been adopted on the last occasion to enable the Commonwealth resolution to be taken up and discussed. This contradictory procedure and rulings by the Chair resulted in the stifling of discussion on this important issue.

AMENDMENT 11

The considerations urged in respect of amendment 9 relating to resolutions are applicable even to this amendment relating to motions.

AMENDMENT 12

Acceptance of motions should not be dependent on the sweet will of the Government. The procedure in this regard should be regularised. The motions held in order by the Speaker and recommended by the Sub-Committee should be balloted and at least the first two should be taken up for discussion in a short session and three in the budget session. If the practice already conforms to the amendment suggested by me then there can be no harm in accepting the amendment. The amendment only lays down the minimum and so the argument of flexibility does not apply.

AMENDMENT 13

The fears about confusion and chaos resulting from this amendment are groundless. As I have pointed out there is a vital difference

between holding a notice out of order and withholding permission or consent.

What I am opposed to is the additional, subjective discretionary power claimed. No Calling Attention Notice will lapse. It can be revived the next day. All that will happen is that names will be balloted and the person whose name receives priority in the ballot may be allowed to choose from among his notices held in order by the Speaker.

AMENDMENT 15

Rule relating to notice will be necessary if the Speaker's power is restricted to holding the Notice in order or out of order, that is, if the additional discretionary power of withholding consent is taken away. The question of the priority of these notices shall every day be decided by way of ballot. (See Enclosure III).

AMENDMENT 16

There is nothing sacrosanct about the number 50. The attendance in the Assemblies all over the world is thin except on very special occasions and most Assemblies dispense with the provision of quorum. After all the motion is taken up only for the purpose of discussion. A party enjoying legislative majority is always in a position to defeat the motion. It is absurd to maintain that the Government party in this country can kill that motion by raising the quorum issue. Raising the question of quorum will not solve the difficulty, because the question will come up again after the adjourned House reassembles.

AMENDMENT 17

This amendment is not verbal. It is necessary and besides does not harm anybody.

AMENDMENT 18

There is no need to seek the Speaker's prior permission to raise the issue and seek the leave of the House. The right to move resolutions for the removal of the Speaker and the Deputy Speaker is a right conferred by the Constitution. You cannot make the exercise of this right dependent on the acquiescence of 49 other members. Even if a single member should want to move such a resolution that right should be conceded to him. It will act as a check on the presiding authority and will ensure not only that he or she is impartial but appears to be so even to minority groups in the House. To hold that members would want to move such resolutions every day is to

have very poor opinion of members and their sense of responsibility. In fact that existence of such a right will make it unnecessary for the members to have recourse to it in actual practice.

To move the motion Sub-Rule 201 (2) is not necessary. Just as other motions entered in the list of business are taken up without prior leave being sought similarly resolutions for the removal can be taken up without first seeking the leave of the House.

AMENDMENT 20

This amendment is most important. Presiding authority in legislatures must always distinguish between two classes of members' rights. The first class of rights are derived from the Constitution, such as the right to move resolutions for the removal of President, Speaker, Deputy Speaker, No-Confidence Motion and Privilege Motion. They all flow from the provisions of the Constitution. The presiding authority should not deny these rights to members. The other class of rights, such as the right to ask questions or to move adjournment motions flow from the Rules of .ocedure and are derivative rights, or rights of a secondary nature. An extensive list of the conditions in respect of these rights is understandable. But exercise of the rights which have their origin in the Constitution cannot and should not be restricted. The present procedure in respect of privilege motions is not only against the English practice and usage on the subject *but also against the spirit and letter of our Constitution.* In raising a matter of privilege, there is no need to seek permission of the Speaker. The absolute discretionary power conferred on the Speaker by the present Rules has made the ministers reckless in making statements. They show scant regard for the privilege of the House or its members. The House today does not even discuss the question whether leave should be granted to a member to raise the privilege question or not. It is the Speaker who decides it arbitrarily. What can prevent Parliament from evolving its own law of privilege? Since it has not chosen to do so so far, it is incumbent on us to follow the procedure of the House of Commons. Any departure from the House of Commons procedure which involves the restriction of the members' right to raise privilege motions is to my mind unconstitutional. The English practice that privilege motions which in the opinion of the Speaker have made out a *prima-facie* case should receive priority but other motions too be put down on the order paper and taken up in ordinary course of business, should, therefore, be adopted.

Under the amended Rule the Speaker will not be bound to hold whether there was a *prima-facie* case or not. He may or he may not.

AMENDMENT 22

If the Kerala Consultative Committee is not a Committee nominated by the Speaker than I agree that the amendment is out of order and the remedy is to amend the relevant statutory provisions on the subject.

AMENDMENT 23

Why should the Speaker chair these committees? What is the principle involved? If it is held that it is derogatory to his honour and prestige then he should keep out of these committees altogether.

AMENDMENT 24

If 14 days, time is found to be too short for a mature consideration of the changes suggested then it may be extended to one month. The present amendments were submitted by me on 24th November and despite many reminders the first intimation about the meeting of the Rules Committee I received was in the third week of April. such a delay is wholly unnecessary.

AMENDMENT 25

Rules of Procedure are considered very important in England. Special Select Committees on Procedure are appointed to examine amendment of the Rules and Standing Orders in the light of new conditions and new needs. The report of this committee is always discussed in the House. It is, therefore, necessary to make discussion of changes in the Rules mandatory.

AMENDMENTS 26 & 27

The procedure in regard to holding of certain words and expressions unparliamentary needs to be regularised. In my letters to the Speaker on the subject the position in regard to amendment 26 and 27 has been clearly outlined. I am appending these letters as justification for amendments 26 and 27.

Sd./ MADHU LIMAYE,

6th May, 1966.

Encl: Three Enclosures.

Sd./- KAPUR SINGH.

ENCLOSURE I

168, North Avenue,
New Delhi.
March 15, 1966.

Sardar Hukam Singh,
Speaker,
Lok Sabha,
New Delhi.

Re: *Rule* 374 *regarding suspension of Members.*

Sir,

I write this with a deep sense of sorrow over the happening in Lok Sabha last Friday. But for the kind intervention of Sardar Kapur Singh, Shri Nath Pai and Shri U. M. Trivedi and your own indulgence and good sense. I would have been thrown out for the remainder of the session. I have now a complete sense of insecurity and I wonder how Parliamentary democracy can survive if the ruling party, on the strength of its vast numerical majority, tries to browbeat solitary members of the opposition into submission.

We are all members of India's representative assembly. I do not know about others but as far as I am concerned, I can say that my electors have not sent me to Parliament to exchange pleasantries with those sitting on the treasury benches. Simply because what I say is unpleasant or hurts, or because I am given to using forceful language and picturesque expressions, they do not have a right to terrorise me and also pressurise you into doing something which you are not inclined to do and which is also against the established procedure and rules.

I do not question your right, Sir, to enforce the conditions listed in Rule 352. Nor do I challenge you right to prohibit a Member from making incriminatory or defamatory allegations. I also readily concede your right to expunge words or expressions which, in your view, are unparliamentary from the proceedings of the House. Further, although our rules are silent on this point, on the basis of May's Parliamentary Practice, from which we often seek guidance, I am prepared to say that you have every right to ask a Member to withdraw unparliamentary expressions. But what I wanted to say when I rose on a point of order, and what I want

to say now with all the emphasis at my command, is that the presiding authority should be allowed to exercise these rights in accordance with the established procedures and rules and that the Speaker and the minority groups should not be subjected to mob rule as you and I were subjected last Friday by the Congress Party. When will the Congress Members realise that the job of the presiding authority in Parliament is not to prevent use of strong language or biting sarcasm but only to maintain order in debate and prevent defamatory, indecent and unparliamentary expressions being used by Members whilst speaking?

Whenever such occasions arise may I suggest that it would be quite in order for the Presiding Authority (Speaker) to—

(a) insist that Members, objecting to certain expressions, should demand that words objected to be taken down;

(b) allow the Member who is speaking to explain the meaning of the words; and

(c) let the Speaker coolly and dispassionately, without being subjected to howling, to rule whether the expression objected to was, in his view, unparliamentary or indecent.

I stress the need for clear and specific rulings because ours is a new parliamentary democracy and I wish that these rulings should be treated as precedents on which Members can rely in future cases. I have carefully gone into the procedures described in May's 'Parliamentary Practice' in this regard.

At page 462 of the Seventeenth Edition of May's 'Parliamentary Practice', the following ancient usage is mentioned:—

"The Chief features of the ancient practice were:—

(1) the duty of the Chair to call a Member to order and require the withdrawal of offensive words, etc., coupled with the right of any Member to draw the attention of the Chair to breaches of order;

(2) the power of the Chair to name a Member for the purpose of referring his actions to the judgement of the House; and

(3) the right of a Member to move that offensive words be taken down with a view to appropriate action being taken."

May further details the procedure about "words taken down.":

"When disorderly words are used by a Member in debate, notice should be immediately taken of the words objected to; and if a Member desires that the words be taken down, he must repeat the words to which he objects, and state them to the House exactly as he conceives them to have been spoken.... Failing the tender of explanation or apology, the consideration of the matter is appointed for the next sitting, and the Member incriminated is ordered to attend. Immediate complaint to the Chair is, however, the most effective mode of dealing with offensive words....."

"Where any disorderly or unparliamentary words are used, whether by a Member who is addressing the House or by a Member who is present during a debate, the Speaker intervenes and calls upon the offending Member to withdraw the words. *If the Member does not explain the sense in which he used the words so as to remove the objection of their being disorderly,* or retract the offensive expressions and make a sufficient apology for using them, the Speaker repeats the call for explanation, and informs the Member that if he does not immediately respond to it, it will become the duty of the Chair to take one or other of the steps which are about to be described. If the Member still refuses the Speaker will then take further action in pursuance of S.O. No. 23."

Practice of repeated warnings, ordering him to withdraw etc. are described here.

"S.O. No. 23: Mr. Speaker or the Chairman shall order Members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant-at-Arms shall act on such orders as he may receive from the chair in pursuance of this order....."

"S.O. No. 24: (1) Whenever a Member shall have been named by Mr. Speaker or by the Chairman, immediately after the commission of the offence of disregarding the authority of the chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the

House, or otherwise, then, if the offence has been committed by such Member in the House, Mr. Speaker shall forthwith put the question, on a motion being made...."

"(2) if any Member be suspended under this order, his suspension on the first occasion shall continue until the fifth day, and on the second occasion until the twentieth day, on which the House shall sit after the day on which he was suspended, but on any subsequent occasion until the House shall resolve that the suspension of such Member do terminate."

"Occasions" have been held to refer to a single session, not the whole term of the Commons.

I have given these long excerpts from May to bring out certain important points. The procedure with regard to the taking down of words ensures that nobody takes objections on the strength of one's impressions of what was spoken or on the basis of what the objector imagines has been spoken. The procedure of the House of Commons gives the Member a right to explain the meaning of the expression he has used in both cases: in the case of his words being taken down and in the event of the Speaker holding that his words were objectionable.

The Standing Orders of the House of Commons do not allow the suspension of a Member for the rest of the Session on the first occasion. Such an absolute and dictatorial power is bound to be exercised in an arbitrary manner by a party which has a huge majority and especially where the opposition is not only weak but divided. A modification of the existing rule is, therefore, necessary. The adoption of the House of Common's standing order will not in anyway whittle down the authority of the Chair; it will only put some curb or check on the power of the majority to act in an arbitrary manner as was being done last Friday.

Now coming to the actual expression that I used on Friday last, I would like to submit most humbly that what I said in relation to the Prime Minister was neither indecent nor unparliamentary.

* * * * *

I am prepared to submit myself to the opinion of the Parliaments of the World's three mature democracies.

*Omitted as the objectionable words had been expunged from the proceedings of the House on the 11th March, 1966.

May I know whether the statement, "I was wondering whether this was a descendant of Jefferson and Lincoln speaking or of the autocratic King George III or of militarist Tojo" be considered objectionable in the American Senate or the House of Representatives?

Will this remark, Sir, "Was it the off-spring of Chatham, Lloyd George and Churchill speaking or the off-spring of Mussolini and Hitler", be considered unparliamentary in the House of Commons?

Will this rhetorical question, "Is this a child of French Revolution or Clemenseau speaking or a child of the Nazi Gaulieter of the occupied zones speaking?" force the President of the National Assembly of France to intervene and ask a Member to withdraw these words?

I say all this because I resent that there should even be a suggestion that I have said anything indelicate or discourteous to a woman. You know me well enough to treat such an imputation as anything but absurd.

All these years I have worked for the advancement of the cause of the oppressed and poor and also of women. Far be it from me to say anything derogatory to the honour of a woman and I would, therefore, like you to convey my feelings to Mrs. Indira Gandhi. I would also request you to hold consultations with the various opposition groups and the ruling party to amend the rule relating to disciplinary action and adopt the relevant Standing Orders of the House of Commons which, without in any way taking away the Speaker's disciplinary powers, put a check on anything being done in anger or in a huff.

With regards,

Yours sincerely,

Sd./- (Madhu Limaye)

Sardar Hukam Singh,
Speaker,
Lok Sabha,
NEW DELHI.

ENCLOSURE II

MADHU LIMAYE
MEMBER OF PARLIAMENT
(LOK SABHA)

168, North Avenue,
New Delhi.
Dated the 23rd March, 1966.

The Speaker,
Lok Sabha.

Re: *Rule* 381 *relating to expunging of certain expressions.*

Sir,

In continuation of my letter dated 15th March, 1966 regarding the existing rules about the expunction of certain words from the proceedings and the Speaker's orders to members to withdraw unparliamentary expressions, I wish to draw your attention to the anomalous situation that has been created by the hasty decisions and rulings given by the Speaker under persistent pressure from the huge Congress majority in the House. In all the cases that I am going to cite, I would like to emphasise that the move to expunge the expressions objected to was never initiated by the presiding authority on his own, but was always the result of the clamour raised by the ruling party.

The first occasion that I remember is the incident of 8th April, 1965 when in the course of my supplementary on a Calling Attention Motion regarding Mr. Phizo's activities, I used the Hindi expression "नपुंसक नीति" (impotent policy) to describe the Government's policy in relation to the Chinese aggression, activities of Sheikh Abdullah in Algiers and Mr. Phizo's secessionist game.

The External Affairs Minister objected to the use of this Hindi adjective (impotent policy) and you said that you agreed with him. However, in spite of the repeated demand by some senior Congress members, you refused to expunge the expression from the proceedings on the ground that it was unparliamentary, indecent or undignified. The howling of the Congress party and the resulting confusion, however, led to my quite unjustified suspension from the service of the House for a fortnight.

The next occasion that I can recall is the use of the expression *** ***[1] which I used to describe those who were exploiting Gandhiji's name to make a living. In this case also, the Speaker did not on his own object to the expression or order its expunction

[1] Omitted as the objectionable words had been expunged from the proceedings of the House on the 4th and 8th March, 1966.

from the proceedings. It was the Commerce Minister Shri Manubhai Shah, who seems to be allergic to forceful language and picturesque expressions and also singularly devoid of a sense of humour, that objected to this. Unfortunately you upheld the objection and ordered these words expunged from the proceedings. However, on another occasion, Dr. Ram Manohar Lohia drew your attention to the fact that this expression was perfectly parliamentary and that in Christian literature, the expression "widows of Jesus Christ" is used very often and that it is not considered in any way indecent. Curiously enough the words "ईसा मसीह की बेवाएं" (widows of Jesus Christ) remained in the proceedings*****[1].

The third instance is the well-known one of the Hindi word*****[2] (skull) which Dr. Ram Manohar Lohia used not very long ago. On an objection being taken by the External Affairs Minister, you ordered this word expunged. Here also the presiding authority did not feel impelled to act on his own but was subjected to pressure by the treasury benches and this decision was, so to say, extracted out of him. There was, however, a discussion on this subject subsequently and the word was allowed to remain in the proceedings of the House on this occasion.

About the fourth occasion and the storm caused by the innocuous use of the Arabic word ****[3], I have already written to you at great length and do not wish to add anything more to my argument. I would only draw your attention to the anomalous position resulting from the same expression's being used on a subsequent occasion and its being allowed to remain in the official proceedings of Lok Sabha.

Acharya Kriplani told me the other day that "trouble arises because you do not speak in English". He said that he had that very afternoon in the course of his Budget speech used the expression "beneath the skull of the Minister there is small quantity of grey matter, but nothing happened. Probably the Minister to whom it referred did not understand its meaning".

The lesson of all this is very clear. Because of the huge majority that the Congress party enjoys in the House it has begun to think that it can dictate and impose its own ideas of propriety and impropriety, decency and indecency on the whole House. Another thing to which I wish to draw your attention is the fact that this is

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[1] *ibid.*

[2] Omitted as the objectionable word had been expunged from the proceedings of the House on the 4th March, 1966.

[3] Omitted as the objectionable word had been expunged from the proceedings of the House on the 11th March, 1966.

happening almost always in the case of those who use an Indian mass language, Hindi. Since English is not native to this soil and most people's knowledge of it is necessarily very superficial, neither the Speaker nor his hearers understand the nuances, the fine shades of meaning, emotional overtones and associations of English words and expressions. However, Hindi being a native tongue, use of forceful expressions, picturesque phrases and perfectly legitimate and parliamentary sarcasm, hurts and hurts deeply, as probably it is meant to, the ruling party. These Hindi expressions therefore provoke stormy protests from the Congress Party. Any body who is familiar with the usages of the House of Commons will understand that the Members of Parliament there are far more hard-hitting in their speeches than any one of us in this House. The Congress Party, which has a two-thirds majority in this House, should not be so thin-skinned and touchy about criticism from the opposite side. They must show far greater spirit of tolerance than they are today displaying. Some changes in the procedure also are called for so that the Chair is not forced to do anything under pressure and without applying its mind to all the aspects of the question relating to objectionable words and expressions. A certain time-lag between the time of objection and a decision on that objection and, further, a provision that the user of the alleged objectionable expression should be heard first before deciding the matter are, therefore, absolutely necessary.

I hope you will give this matter the serious attention it deserves.

Yours sincerely,

Sd/- MADHU LIMAYE

ENCLOSURE III

Madhu Limaye, M.P.

168, *North Avenue,*
New Delhi.
Dated 5-5-1966

The Speaker,

Lok Sabha,

New Delhi.

Sir,

Since you do not permit us to urge reconsideration of your decision to disallow our Calling Attention Notices on the floor of the House, I request you to do so by way of a letter.

Rule 197 relating to this subject speaks of matters of urgent public importance but I have a grievance that the so-called discretionary power is being used to shut out important issues of utmost urgency from the House.

After all man is a rational being and in 90 cases out of 100 there can be no difference of opinion among reasonable men about the simple issue or urgency and public importance of a particular notice.

For instance last week you have disallowed the following notices about whose urgency and importance there can be no doubt whatsoever:

(1) Resumption of diplomatic ties between the rebel white minority Rhodesian Govt. and U.K. and the impact of this on Indian and Afro-Asian policy.

(2) Allegation in the well-informed *New York Times* that in some countries 75 per cent of the American diplomatic personnel are under cover agents of the C.I.A. and the impact of this on India's security.

(3) Spying by C.I.A. agents on India's atomic energy programme.

(4) Death of 12 persons in mine explosions after the withdrawal of Pak forces in Fazilka Khem Karan sector.

(5) Kidnapping by the Mizo rebels of an S.D.O. and his detention in Pakistani territory.

(6) Expiration of the permit of M. Scott, discovery of a plastic bomb in Dimapur waiting Room and increase in Naga hostile activity.

(7) Talks of P.M. with Bhutan Maharaja and the latter's demand that India sponsor Bhutan's U.N. membership.

(8) Starvation death in Nasik Distt. of Maharashtra certified by a Govt. village official *i.e.*, Police Patel.

(9) Outcome of Asoka Mehta's mission to U.S.A. regarding resumption of aid suspended (but already pledged) and new aid for the Fourth Plan.

Now what reasonable person can say that these issues should not be raised in the House? (Probably it can be said that No. 9 is a bit premature). Since Short Notice Questions depend on the sweet

will of the Minister and since Starred Questions submitted immediately after the issuance of the summons alone can receive priority there is no other method of raising these issues except by way of a calling attention notice.

During the last year and half I have observed that you are very liberal in admitting notices on ordinary Railway accidents. Why can we not establish the convention of the Railway Minister's making a statement on these accidents on his own? And if these accidents are matters of urgent public importance how can it be maintained that the ones listed by me above are not?

If the presiding authorities do not use these discretionary powers reasonably and shut out discussion of important issues the people are bound to lose faith in Parliamentary institutions.

I pray therefore that you kindly reconsider all the above notices and generally adopt a liberal attitude in admitting them in future.

Yours sincerely,

Sd|- MADHU LIMAYE.

VI

New Delhi, Friday, the 2nd September, 1966

The Committee met from 15.00 to 15.25 hours.

PRESENT

Sardar Hukam Singh—*Chairman*

MEMBERS

2. Shrimati Renu Chakravartty (Attended later).
3. Shri Ananda Nambiar
4. Shri Jaganath Rao
5. Shri Era Sezhiyan
6. Pandit K. G. Sharma

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee resumed consideration of the draft amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.) given notice of by Shri Madhu Limaye, M.P. The Committee considered draft amendments to rules 60, 174, 182, 187, 190, 197, 198, 200, 201, 211, 222, 225, 256, 330, 331, 373 and 374, as set forth in Appendix II*of Report.

3. *Rule* 60 (*Serial No.* 8 *of Appendix II of Report*).—The Committee noted that the Standing Orders of the Central Legislative Assembly with a membership of 140 members only provided the number of supporters to be 25 for leave being granted for an adjournment motion. This number was increased to 50 in 1952 when the Lok Sabha came into being with a membership of about 500 on the consideration that the supporters should at least be equal to the quorum of the House so that they might, by themselves, be able to form the House. The Committee felt that the existing provision was a wholesome one from the practical point of view. First, it acted as a restriction on frivolous motions coming up for discussion before the House. Secondly, any discussion on a motion

*See items 8 to 27 in Appendix II of Report.

taken up by interrupting the normal business, but which did not have the support of even one-tenth of the membership of the House, would be unreal and would mean waste of time of the House. The Committee did not accept the amendment.

As regards amendment to rule 60(1), the Committee noted that it was incidental and consequential to the amendments proposed by the member to rule 56 which the Committee had not accepted earlier.

4. *Rule* 174 (*Serial No.* 9 *of Appendix II of Report*).—The Committee observed that the same reasons applied to this amendment as were applicable to a similar amendment proposed by the member to rule 43(1) (*Vide* Minutes, dt. 10-8-1966, para 3).

5. *Rule* 182 (*Serial No.* 10 *of Appendix II of Report*).—The Committee noted that there was no provision in the Rules of Procedure under which any resolution, except a part discussed one, might find a place in the List of Business without securing a place in the ballot. The rules regarding ballot had been so guarded that anyone member might not monopolise the limited time allotted for private members' resolutions. The Committee felt that if, in the opinion of the House, there were reasons to warrant adjournment of debate to a fixed date and thereafter for resumption of debate without ballot, the House being supreme, could do so by suspending the rule in appropriate cases. The Committee, therefore, did not accept the proposed amendment.

6. *Rule* 187 (*Serial No.* 11 *of Appendix II of Report*).—The Committee observed that the same reasons applied to this amendment as were applicable to a similar amendment proposed by the member to rule 43(1) (*Vide* Minutes, dt. 10-8-1966, para 3).

7. *Rule* 190 (*Serial No.* 12 *of Appendix II of Report*).—The Committee noted that in actual practice a larger number of 'No-Day-yet-Named Motions' was already being brought forward during each session. The Committee, therefore, did not accept the amendment proposed by the member.

8. *Rule* 197(1) (*Serial No.* 13 *of Appendix II of Report*).—The Committee observed that permission of the Speaker could not be done away with. If matters could be raised by mere intimation to the Speaker, no orderly business could be transacted in the House. The Committee did not agree to the proposed amendment.

9. *Rule* 197(3) & (4) (*Serial Nos.* 14 *and* 15 *of Appendix II of Report*).—The Committee decided to accept the suggestions con-

tained in the amendments proposed by the member and desired suitable draft amendments to be placed before them.

10. *Rule* 198(2) (*Serial No.* 16 *of Appendix II of Report*).—The Committee observed that the same reasons applied to this amendment as were applicable to a similar amendment proposed by the member to rule 60(2). (*See* para 3 above).

11. *Rule* 200(2) (*Serial No.* 17 *of Appendix II of Report*).—The Committee felt that the amendment proposed by the member to this rule did not make any improvement of substance and was also unnecessary from the point of view of drafting.

12. *Rule* 201 (*Serial No.* 18 *of Appendix II of Report*).—The Committee noted that if sub-rule (2) of rule 201 was deleted, as suggested by the member, the concerned member could not even move the motion. Further, that sub-rule forbade any speech by the member while moving for leave to move the resolution for removal of the Speaker or the Deputy Speaker. If a speech was allowed at that stage, then the member seeking leave of the House would make all sorts of allegations against the Chair and later if the leave to move the resolution was not granted, all those allegations would go unanswered. The Committee further noted that rule 203 already permitted speeches including that by the mover after leave was granted. The Committee, therefore, felt that the deletion of sub-rule (2), as proposed by the member, would not be in the interests of maintaining the dignity of the Chair and decorum in the House.

As regards the amendment to sub-rule (3), the Committee observed that the same reasons applied to it as were applicable to the amendment proposed by the member to rule 60(2) (*See* para 3 above).

Shri Madhu Limaye had argued that the right to move a resolution for the removal of the Speaker or the Deputy Speaker was a right conferred by the Constitution and could not be made subject to the restriction that forty-nine other Members should support him. The Committee noted that Articles 94 and 96(1) of the Constitution prescribed only that a fourteen days' notice of a resolution for the removal of Speaker/Deputy Speaker was necessary and that the Speaker or the Deputy Speaker should not preside while a resolution for his removal from office was under consideration. It did not confer any unrestricted or absolute right on a Member to move a resolution for the removal of the Speaker or the Deputy Speaker.

Under Article 118(1) of the Constitution, the House could make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business. The existing rule 201 did not come into conflict with any provision of the Constitution.

The Committee also noted that the Allahabad High Court had, in the case of *Dr. A. J. Faridi v. Shri R. V. Dhulekar, Chairman, U.P. Legislative Council, and others* (A.I.R. 1963 All. 75), held that the conditions prescribed in Art. 94 (Art. 183 in the case of State Legislative Councils) were not the only conditions which might govern a resolution for the removal of Speaker or Deputy Speaker from his office, but only two essential conditions in addition to any others subject to which, according to the Rules of Procedure of the House, a resolution might be given notice of or moved. Rules of Procedure of the House providing for leave of the House to be obtained before such a resolution could be moved and prescribing the minimum number of members on whose rising in their places leave would be deemed to have been granted by the House were constitutionally valid.

13. *Rule* 211 (*Serial No.* 19 *of Appendix II of Report*).—The Committee observed that the same reasons applied to this amendment as were applicable to a similar amendment proposed by the member to rule 43(1) (*Vide* Minutes, dt. 10-8-1966, para 3).

14. *Rule* 222 (*Serial No.* 20 *of Appendix*).—The Committee noted that the requirement in rule 222 of obtaining the prior consent of the Speaker for raising a question of privilege in the House had been made obligatory so that the time of the House was not wasted by raising a point which *prima facie* was not admissible. The Committee also noted that the practice embodied in rule 222, which was first framed in 1950, was much older and dated back to the time of the Central Legislative Assembly. The Committee observed that while giving his consent, the Speaker did not decide whether there was a *prima facie* case of breach of privilege. He only determined whether the matter was fit for being placed before the House, *i.e.*, the matter was not one which was patently absurd or something that was on the face of it hardly worth bringing before the House in which case he withheld his consent. The Committee were, therefore, of the view that the prior consent of the Speaker was the normal discretionary power of the Speaker which was aimed at orderly conduct of business in the House. The Committee, therefore, did not agree to the amendment proposed by the member.

15. *Rule* 225 (*Serial No.* 21 *of Appendix II of Report*).—The Committee observed that the amendments proposed by the member to this rule sought to do away with the existing requirements of asking for leave of the House to raise a question of privilege and also these would have the effect of taking away the inherent power or discretion of the House to decide the admissibility of a question of privilege. Every question of privilege which was included in the List of Business would be raised in the House and adjudged by the House on merits without a preliminary discussion by the House whether the matter was fit to be raised in the House and worthy of occupying the time of the House. These amendments would amount to giving a licence to any member to raise any matter in the House under the garb of privilege, howsoever frivolous it might turn out to be and also be damaging to the reputation of the individuals against whom allegations were made on the floor of the House which might be totally unjustified and groundless. These amendments, while taking away the power or discretion of the Speaker to decide whether or not a certain matter was fit to be brought before the House as a question of privilege, would impose a duty on the Speaker to decide whether or not there was a *prima facie* breach of privilege for the purpose of according priority to the matter over the prearranged programme of business for a day. The Committee, therefore, did not accept the amendments proposed by the member.

16. *Rule* 256 (*Serial No.* 22 *of Appendix II of Report*).—The Committee noted that Consultative Committees were constituted under the provisions of the relevant State Delegation of Powers Act in respect of States where President's rule under Article 356 of the Constitution was imposed. Such Committees were different from Parliamentary Committees on which all shades of views in the House found representation in proportion to the respective strengths of each Party/Group in Lok Sabha. These Consultative Committees did not work under the direction of the Speaker nor did they present their reports to the House or to the Speaker. Under the respective State Delegation of Powers Acts, the Speaker was required to nominate members of Lok Sabha on such Committees strictly in accordance with the statutory provisions contained therein. The Committee felt that whenever such Delegation of Powers Bills came before the House, it was open to members to move amendments for making provision for the nomination of members to the Consultative Committees on States under President's rule on the basis of strengths of the various parties in the concerned State Legislatures. The

Committee, therefore, did not agree with the amendment proposed by the member.

17. *Rule* 330 (*Serial No.* 23 *of Appendix II of Report*).—*The* Committee noted that while nominating members to the Rules Committee as also to other Parliamentary Committees, the Speaker always consulted the Leaders of Parties/Groups in the House with a view to give representation to the various shades of opinion in the House on those Committees.

As regards the other amendment that 'the Speaker shall be an *ex officio* member of the (Rules) Committee but shall not be its Chairman', the Committee observed that the Speaker who presided over the sittings of the House, should also, in the fitness of things, naturally preside over the sittings of a Committee of which he was a member. Even in the case of the Deputy Speaker who presided over the sittings of the House in absence of the Speaker, it was expressly provided in rule 258 that if the Deputy Speaker was a member of any Committee, he should be appointed the Chairman of that Committee. On the same principle, where the Speaker was a member of a Committee, he should be the Chairman of that Committee. The Committee, therefore, did not agree to make any change in the existing rule.

18. *Rule* 331 (*Serial Nos.* 24 & 25 *of Appendix II of Report*).—The Committee observed that at present suggestions for amendments to the Rules of Procedure were received not only from the members of the House through formal notices, but also emanated in the House during the course of discussions on points of order, rulings, observations and decisions made from the Chair on procedural matters. Sometimes, the Rules Committee also proposed new amendments during the course of their deliberations on the proposals placed before them. The effect of the amendment proposed by the member would be to restrict the sources of such suggestions for the amendment of the Rules of Procedure, without leading to any substantial advantage. Even at present, as the provisions stood, it was open to any member to give notice of amendments to the Rules of Procedure and they were considered by the Rules Committee. The minutes of the Committee, containing their decisions on the proposals considered by them, were laid on the Table of the House. The amendments approved by the Rules Committee were also incorporated in their Report which was laid on the Table of the House. As regards the

time limit of 14 days suggested by the member for consideration of proposals for amendments to the Rules of Procedure and their reporting to the House by the Rules Committee, the Committee felt that it was impracticable as the implication underlying each amendment had to be thoroughly examined and some proposals might require longer time for examination.

The Committee observed that the Procedure envisaged by the member in his amendment proposing a new sub-rule (6) was already being followed under the existing sub-rule (2) of rule 331 and the reports of the Rules Committee were discussed in the House.

The Committee, therefore, did not accept the proposed amendments.

19. *Rule* 373 (*Serial No.* 26 *of Appendix II of Report*).—The Committee felt that the procedure suggested by the member in his amendment, if incorporated in the Rules of Procedure, would have to be applied to every case of unparliamentary expression and therefore might lead to arguments and counter arguments from members. In that event a discussion would follow and the members might bring in many more things which might make matters worse. It was only when the Speaker was not clear about the meaning of an expression taken objection to that he might call for the explanation from the member who had used it. But where the implications and meaning of an expression and the context in which it had been used were clear, it would be declared unparliamentary and the member straightway be asked to withdraw it. The Committee, therefore, felt that instead of making a provision in the Rules of Procedure, it might be left to the discretion of the Chair to call for the explanation from the concerned member about the meaning of an expression taken objection to, where the Chair had any doubt about the sense in which the expression had been used. The Committee, therefore, did not accept the proposed amendment.

20. *Rule* 374 (*Serial No.* 27 *of Appendix II of Report*).—The Committee noted that the member, in his amendment, wanted that the motion for suspension of a member should be moved by the Leader of the House. In actual practice it might not always be possible to do so as the Leader of the House might not be present when the Speaker named a member. The Committee, therefore, felt that the existing practice whereunder, whenever a member was

named by the Speaker, a member or a Minister could move a motion that the member so named by the Speaker be suspended from the service of the House for a particular period which should not exceed the remainder of the session, should continue.

As regards the second suggestion of the member that the member being suspended should be allowed by the Speaker to make a brief statement before the question was put to vote, the Committee were of the opinion that that would create practical difficulties. The Committee observed that the naming of a member invariably followed a member insisting on having his say in spite of the Chair not allowing him to do so or on the member persisting in making objectionable remarks. If the member was given a chance to have his say before the motion for suspension was put to vote, he would merely try to justify his behaviour or make some remarks which he was not earlier allowed to do. Moreover, the statement of the member, if permitted, might lead to arguments, explanations, or submissions by other members and ultimately lead to a prolonged discussion in the House. The Committee, therefore, did not agree to the suggestion of the member.

As regards the graduated period of suspension, as suggested by the member in his amendment, *i.e.* suspension for a period of 5 days on the first occasion in a session, 20 days on the second occasion and till the remainder of the session on any subsequent occasion, the Committee felt that the punishment could depend only on the circumstances of the case and the gravity of the offence committed. If a more serious offence was committed, merely because it was the first, it should be five days, would not be proper. The Committee observed that the member presumed that all cases would be of the same nature and, therefore, the first suspension should be for five days. The elasticity would be lost if the periods of suspension increasing with each successive offence were rigidly laid down in the Rules of Procedure as suggested by the member. In that case, the period of suspension would be related merely to the succession of the offence rather than to the gravity of it and the circumstances of each case which were material considerations in determining the period of suspension in a case. The Committee also noted that this matter had been discussed at length by the Rules Committee at their sitting held on the 28th November, 1955, and they had considered the present provisions as more suitable. (*Vide* Rules Committee Minutes, dated 28-11-1955, para 20).

The Committee, therefore, did not agree to the proposed amendment.

The Committee then adjourned.

VII

New Delhi, Wednesday, the 9th November, 1966.

The Committee met from 15.30 to 16.00 hours.

PRESENT

Sardar Hukam Singh—*Chairman.*

MEMBERS

2. Shri A. E. T. Barrow.
3. Shri Laxmi Narain Bhanja Deo
4. Shri Ananda Nambiar
5. Shri Jaganath Rao
6. Shri Era Sezhiyan
7. Pandit K. C. Sharma

SECRETARIAT

Shri S. L. Shakdher—*Secretary.*

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of the draft amendments to the Rules of Procedure as set forth in Annexure—I.

3. *Rule* 46 (*Serial No.* 1 *of Annexure—I*).—The existing rule provided that a question not reached for oral answer might be answered after the end of the Question Hour with the permission of the Speaker, if the Minister represented to the Speaker that the question was one of special public interest to which he desired to give a reply. As decided by the Committee at their sitting held on 10th August, 1966 (*vide* para 5 of the Minutes, dated the 10th August, 1966), the Committee felt that an important question, not reached for oral answer during the Question Hour, might also be permitted by the Speaker to be answered at the end of business for the day, if he was satisfied that the question was one of special interest to which an oral answer should be given. Such a question should, however, be asked on a day on which there was no short notice question or a calling attention notice put down. The Committee approved the addition of the second proviso to that effect to rule 46.

4. *Rules* 55 *and* 194 (*Serial Nos.* 2 *and* 3 *of Annexure—I*).—As discussed by the Committee earlier (*vide* para 10 of the Minutes, dated the 18th August, 1966), the Committee decided that 'half-an-hour' discussions arising out of replies to questions under rule 55 might be allowed on three sittings in a week and a provision should be made in the rules to provide for discussions twice a week on matters of urgent public importance not exceeding one hour at the end of the sitting of the House. This would afford members greater opportunities of discussion on matters of general interest. The Committee agreed to the proposed amendments to rules 55 and 194 accordingly.

5. *Rule* 197 (*Serial No.* 4 *of Annexure—I*).—As considered by the Committee at their sitting held on the 2nd September, 1966 (*vide* para 9 of the Minutes, dated the 2nd September, 1966), under the existing rule, only one calling attention matter could be raised at the same sitting. Thus, there was no point in the same member giving more than one notice for calling attention on different matters at the same sitting. The member giving notices must decide as to which of the matters he sought to raise he considered as more important than the others. The Committee also noted that in actual practice, on some days, two such matters were taken up in the House—one after the Question Hour and the other at the end of the business for the day. The Committee, therefore, felt that the existing practice of two such matters being raised at the same sitting might be incorporated in the rules and that each member should have a right to give not more than two such notices for the same sitting.

As agreed to by the Committee earlier (*ibid*), the Committee felt that it would be sufficient if upto five names of members giving notice for calling attention on the same matter, in order of priority of receipt of notices, were entered in the list of business and only those members might ask a question each for clarification of any point contained in the statement made by the Minister in response to the notice. For this purpose, where a notice was signed by more than one member, it should be deemed to have been given by the first signatory and where two or more notices were received at the same time a ballot should be held to determine their priority *inter se.*

The Committee decided that the members who had raised the first calling attention matter should not raise the second matter at the same sitting.

The Committee also decided that all notices which were not taken up on the day for which they had been given should lapse and should not be kept pending at the end of the day. The Committee considered that in case the matter was of a continuing nature and a member felt on a subsequent day that the matter was important and a statement was required, he should repeat the notice on a subsequent day or days.

The Committee accepted the proposed amendments to sub-rules (1), (2), (3) and (5) of rule 197 with the proposed proviso to sub-rule (3) [Item 4(4) in Annexure—I] modified as follows:—

> "Provided that the second matter shall not be raised by the same members who have raised the first matter and shall be raised at the end of the business for the day."

6. *Rule* 342 (*Serial No.* 5 *of Annexure—I*).—The Committee noted that, since Independence, the Reports of the Financial Committees had not been discussed in Lok Sabha. They also noted the practice followed in India in the earlier years in respect of the Reports of the Public Accounts Committee and also the practice obtaining in U.K. in this connection [*See* Annexures II and III].

On the 22nd August, 1966, Lok Sabha had, however, discussed the 55th Report of the Public Accounts Committee (1966-67) on the following motion moved by a member:—

> "That the Fifty-fifth Report of the Public Accounts Committee on the statement made on the 18th May, 1966, in the House by the Minister of Food, Agriculture, Community Development and Co-operation relating to para 4.128 of the 50th Report of the said Committee, presented to the House on the 5th August, 1956, be taken into consideration." [L.S. Deb., 22-8-1966, c. 6090].

A discussion on that Report was allowed by the Speaker, as the Report dealt with a specific issue on which there was disagreement between Government and the Committee.

Some members tabled substitute motions to the above motion and with regard to them the Speaker observed:

> "The most important thing that I have to bring to the notice of the House is that the PAC is a House in miniature. Its decisions should be respected and its dignity enhanced. There all parties work together in team-spirit and no note of dissent is appended nor allowed. They work in the interest of the nation and of the House on behalf of the House.
>
> Now, certain substitute motions have been tabled from both sides. If these motions and amendments are allowed, there would be great divergence of opinion and the Report of the Committee would be criticised; either they would be complimenting the Committee or criticising it, which would not be desirable for the future smooth functioning of the PAC." [L.S. Deb., 22-8-1966, cc. 6077-78].

During the course of discussion, the consensus of opinion in the House was that there should be no substantive or substitute motion on the Report of a Financial Committee as this would mean voting on it and would thus hamper the working of the Committee. It was also felt that a Division on the unanimous Report of the Committee, which consisted of members of the various parties, would put the

members in an embarrassing situation, as the question would arise whether there should be loyalty to the Committee or to the respective parties. Ultimately, the substitute motions were not put to vote, consequent on the House adopting the following motions:

"(i) 'That Rule 342 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the substitute motions moved today, be suspended.'

(ii) 'That no substitute motion moved today, be put to the vote of the House.' " (L.S. Deb., 22-8-1966, cc. 6235-36).

During the course of discussion in the House, a suggestion was made that the question of allowing substantive motions on the recommendations of the Financial Committees be referred to the Rules Committee and that a Rule be made to the effect that whenever a motion for the consideration of a Report of a Financial Committee was brought before the House, no substantive motion should be permitted thereon.

The Committee approved the proposed proviso to rule 342 to give effect to the aforesaid decision of the House with the addition of the following explanation thereto:

"Explanation.—A motion for consideration of the report of any of the Committees specified in this proviso shall not be admissible unless the report or part of the report deals with a specific matter on which there has been disagreement between the Committee and the Government."

7. *Rule 387B (Serial No. 6 of Annexure-I).*—The Committee felt that there should be a specific provision in the rules of the House for regulating the business pertaining to a State, the powers of whose Legislature were, by virtue of a Proclamation issued by the President under article 356 of the Constitution, exercisable by or under the authority of Parliament. The Committee agreed to the proposed new rule 387B for making a provision to that effect.

8. The Committee then considered the categories of questions which should normally be put down in the List of Questions for written answers. The Committee approved that, apart from the existing practice of including in the List of Questions for written answers all those starred questions which were in excess of 30 for any one day and also which were in the names of members who had more than three questions in a day's list, the following types of questions, even though given notice of as starred questions, should be included in the List of Questions for written answers:—

(i) Questions asking for information of statistical nature;

(ii) Questions going into details where it is obvious that the reply will be long, *e.g.*, resolutions of a conference or recommendations of an expert committee and action taken thereon etc.;

(iii) Questions which raise only matters of local interest, *e.g.*, the opening of a level-crossing, flag station or public call offices;

(iv) Questions relating to representation in the Services of communities protected under the Constitution such as Scheduled Castes and Scheduled Tribes in which no question of policy is involved for elucidation on the floor of the House;

(v) Questions relating to administrative details, *e.g.*, the strength of staff in a Government Office/Department etc.;

(vi) Questions on which *prima facie* there could be no scope for supplementaries, such as when the matters are under correspondence or diplomatic negotiations or *sub judice;*

(vii) Questions asking for statements to be laid on the Table; and

(viii) Questions of interest only to a limited section of people, *e.g.*, provision of creches in mines or rest houses for ticket examiners on railways etc.

The Committee noted that the above list was not exhaustive and the Speaker could in his discretion admit a question for written answer for any other reason.

9. The Committee then took up consideration of the draft amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.) given notice of by Shri Madhu Limaye, M.P., and 9 other members. The Committee decided to accede to Shri Madhu Limaye's request for permission to appear before the Committee to make further oral submissions on those amendments.

10. The Committee authorised the Chairman to lay their recommendations regarding the amendments approved by them on the Table of the House in the form of a report.

The Committee also authorised Shri S. V. Krishnamoorthy Rao, and, in his absence, Shri Era Sezhiyan, to lay the Report on the Table of the House.

11. The Committee then adjourned to meet again on Wednesday, the 16th November, 1966 at 15·30 hours to hear Shri Madhu Limaye, M.P.

ANNEXURE I

(*See* para 2 of the Minutes of Rules Committee, dated the 9th November, 1966).

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

RULE 46

1. After the proviso, the following further proviso shall be added, namely:—

"Provided further that on a day on which no short notice question is answered or no statement under rule 197 is made by a Minister, a question not reached for oral answer may be answered at the end of the business for the day, with the permission of the Speaker, if he is satisfied that the question is one of special public interest to which an oral answer should be given.".

RULE 55

2. In sub-rule (1), after the words "half an hour" the words "on three sittings in a week" shall be inserted.

RULE 194

3. For the words beginning with the words "and is of sufficient importance" and ending with the word "circumstances" the following words shall be substituted, namely:—

"he may allow two sittings in a week on which such matters may be taken up for discussion and allow such time for discussion not exceeding one hour at the end of the sitting, as he may consider appropriate in the circumstances."

RULE 197

4. (1) After sub-rule (1), the following proviso shall be inserted, namely:—

"Provided that no member shall give more than two such notices for any one sitting.".

(2) At the end of sub-rule (2), the following shall be added, namely:—

"but each member in whose name the notice stands in the list of business may, with the permission of the Speaker, ask a question and not more than five members in order of priority of receipt of notices shall be shown in the list of business.".

Explanation.—Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only and if two notices are received at the same time, a ballot shall be held to determine the relative priority of each such notice."

(3) In sub-rule (3), for the words "one such matter", the words "two such matters" shall be substituted.

(4) After sub-rule (3), the following proviso shall be inserted, namely:—

"Provided that the second such matter shall be raised at the end of the business for the day.".

(5) For sub-rule (5), the following shall be substituted, namely:—

"(5) All the notices which have not been taken up on the day for which they have been given shall lapse at the end of the day."

RULE 342

5. To rule 342, the following proviso shall be added, namely:—

"Provided that when a motion is that a report of the Committee on Estimates or the Committee on Public Accounts or the Committee on Public Undertakings be taken into consideration, no substantive motion shall be moved nor shall there be any voting on such motion."

RULE 387 *B*

6. After rule 387A, the following new rule 387B shall be inserted, namely:—

"Application of rules to business pertaining to a State under the President's rule.

387B. These rules shall, with such variations or modifications, as the Speaker may from time to time make, apply to the business pertaining to a State, the powers of whose Legislature are, by virtue of a Proclamation issued by the President under article 356 of the Constitution, exercisable by or under the authority of Parliament.".

ANNEXURE II

(*See* para 6 of the Minutes of the Rules Committee dated the 9th November, 1966)

Practice regarding discussion of the Reports of the Public Accounts Committee during the pre-Independence period

In India, the first time that a motion to take into consideration the Report of the Public Accounts Committee was moved, was the motion moved by the Finance Member on the 31st March, 1930, in the Legislative Assembly that the Report of the Public Accounts Committee on the accounts of 1927-28 be taken into consideration. Further consideration of the motion was resumed by the Assembly on the 7th July, 1930. Winding up the debate, the then Deputy President who was in the Chair, gave the following ruling:

> "I would like to inform the House that, accepting the recommendations of the Public Accounts Committee, the Honourable Mr. V. J. Patel, in consultation with the Honourable the Finance Member, had decided that there would be no vote on this motion before the House. It was decided that the House would be given an opportunity to have a general discussion on the Report of the P.A.C. Therefore no question will be put to the House on the Report."

2. On 11th February, 1931, the report of the P.A.C., on the Accounts for 1928-29 was taken into consideration. After the Finance Member had replied to the debate, the President put the motion to vote:

> "That the Report of the P.A.C. on the Accounts of 1928-29 be taken into consideration."

The motion was adopted.

3. This procedure continued to remain in force for more than a decade. But when on the 21st November, 1944, the Finance Member moved the motion: "That the Report of the P.A.C. on the Accounts of 1942-43 be taken into consideration", one of the members of the

Assembly, Shri T. S. Avinashilingam Chettiar, moved an amendment to this motion as follows:

> "That after the words 'taken into consideration' the following be added:
>
> 'and having considered in the House is of opinion that as grave irregularities have been observed in expenditure of large amounts in war publicity and other matters, steps would be taken immediately to put down these irregularities'."

While accepting the amendment, the Finance Member stated:

> "In regard to the Amendment, I have already indicated that I should have no objection if that is added to the resolution before the House."

The amendment was adopted by the House and the amended motion was passed.

4. The last Report of the P.A.C. that was discussed by the House was the Report of the Public Accounts Committee on the Accounts of 1943-44. The consideration motion was moved and discussed on the 31st October, 1946. A peculiar feature of this motion was that while replying to the debate, the Finance Member also moved for the regularisation of the expenditure actually incurred in excess of the voted Grants in the year 1943-44 under the various Demands.

5. After 1946 till 1966, there has been no instance where the reports of the P.A.Cs have been considered by the House.

ANNEXURE III

(*See* para 6 of the Minutes of the Rules Committee, dated the 9th November, 1966)

Practice obtaining in United Kingdom regarding Reports of the Public Accounts Committee

Earlier Practice.—According to Basil Chubb, "Important as is much contained in reports, it is only when they mention a subject of particular current interest of a scandalous nature or with political repercussions that the House finds them interesting enough to give time for discussion." Debates of this nature occurred in 1873 [H.C. Deb., 29-7-1873, cc. 1189—1230]; 1916 [H.C. Deb., 24-10-1916, cc. 1005—1066]; 1942 [H.C. Deb., 7-10-1942, cc. 1239—1320]; 1947 [H.C. Deb., 21-7-1947, cc. 868—944].

2. By an amendment to Standing Order No. 14 in 1934, it is provided that reports may be debated on one of the allotted supply days, but in fact, "they never have been".

3. Apart from the special debates, mentioned in the previous paragraphs, only one attempt had been made to provide a regular annual debate on reports, and that attempt, in the years 1905—10, "showed conclusively that reports were generally unsuitable" for general discussion. Such debates were held on 26th July, 1905 [H.C. Deb., cc. 420—459]; 23rd August, 1907 [H.C. Deb., 1387—1425]; 16th Dec., 1908 [H.C. Deb., c. 1897] and 1st July, 1910 [H.C. Deb., cc. 1286—1292].

4. According to Basil Chubb, the reports of the Public Accounts Committee "are never formally approved and have almost always been ignored" with one exception which occurred in 1947. In 1947, an amendment to the motion was moved by a member and was lost and after the division the House resolved:

> "That this House doth agree with the second report of the Committee of Public Accounts." [H.C. Deb., 21-7-1947, c. 944].

The motion for consideration of the Report moved on that particular occasion was as follows:

> "That this House doth agree with the Second Report of the Public Accounts Committee, and expresses its regret that the Secretary of State for War did not disclose in Committee of Supply on 18th February the full extent of the losses incurred by the Exchequer."

The House of Commons Debates dated 21st July, 1947, cc. 868—944 may please be seen in this connection.

5. The form of the motion in the U.K. had normally been "That the Report of the Public Accounts Committee be now taken into consideration." [H.C. Deb., 23-8-1907, c. 1393; H.C. Deb., 1-7-1910, c. 1236].

In 1910, the motion was withdrawn after discussion by the Member, who moved the motion by leave of the House. [H.C. Deb., 1-7-1910, c. 1292].

Present Practice.—From the year 1960-61, it appears that a day is being allotted under 'Supply' for discussion of P.A.C. Reports. The first discussion took place on the 19th December, 1960, then 30th November, 1961 and on 6th December, 1962. It seems that this is now an annual feature.

The Chairman of the Public Accounts Committee moves amendment to the motion and initiates discussion. On the 19th December, 1960 he stated "Today's debate, Mr. Speaker, is a new departure in Parliamentary practice. There are no precedents to guide us, but I am sure that we all hope that it may be beginning of a development which, within rather restricted limits, may be useful both to the House and to the tax-payer, in controlling Government expenditure".

The amendment was moved on these lines:

> "That this House takes note of the Second....Report from the PAC.....with particular reference to paragraphs 25 to 45 of the Report."

In 1960 the amendment was withdrawn by leave of the House. In 1961, after the amendment was withdrawn by leave of the House, the motion was also withdrawn by leave of the House. In 1962 the amendment was moved not by the Chairman of the Committee but by another Member. In that year the main question as amended was put and agreed to and the House resolved:

> "That this House takes note of the First Second and Third Reports from the Committee of Public Accounts in the last Session of Parliament, and of the Special Report from the Committee of Public Accounts."

GMGIPND—LS I—2092 LS—22-11-66—800.