

RULES COMMITTEE

(EIGHTH LOK SABHA)

THIRD REPORT

[Laid on the Table on 3 May, 1989]



LOK SABHA SECRETARIAT
NEW DELHI

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**PERSONNEL OF THE RULES COMMITTEE
(1988-89)**

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SECRETARIAT

Dr. Subhash C. Kashyap—*Secretary-General*

Shri K. C. Rastogi—*Joint Secretary*

Shri G. S. Bhasin—*Deputy Secretary*

Shri O. P. Chopra—*Under Secretary.*

*Nominated w.e.f. 26-8-1988 vice Shri Syed Shahabuddin resigned from the Committee.

THIRD REPORT OF THE RULES COMMITTEE (EIGHTH LOK SABHA)

The Rules Committee at their sitting held on 16th August, 1988, considered a suggestion regarding general review of the Rules of Procedure and Conduct of Business in Lok Sabha (6th Edition).

The Committee noted that the Rules of Procedure and Conduct of Business in Lok Sabha had not been reviewed in a comprehensive manner after their adoption in 1952. As a consequence, in many matters, the actual practice as it had developed over the years, was found to be at variance with the relevant rules. In several other cases, matters were governed merely by precedents and practices with no binding force.

The Committee approved the proposal to review the rules and decided that after the review had been made and amendments to rules as agreed to by them were approved by the House, a revised edition of the Rules of Procedure and Conduct of Business in Lok Sabha might be brought out.

The amendments necessitated by such review were considered by the Committee at their sittings held on 16th August, 2nd December, 1988, 2nd and 30th March, 1989. The Minutes of these sittings are appended to the Report.

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

3. The Committee's observations with regard to some of the important amendments proposed in Appendix to this Report, are as follows:—

4. Rule 2 (S. No. 1 of Appendix)

The Committee note that the present definition of the term 'Minister' as contained in rule 2 does not cover 'a member of the Cabinet'. The Committee recommend that the definition of the term 'Minister' may be amended so as to include 'a member of the Cabinet'

The Committee further note that a Parliamentary Secretary who is not a member of the House cannot participate in the proceedings of the House. It is proposed to clarify the position by adding an explanation to the definition of the term 'Minister'.

The definition of the term 'Minister' as contained in rule 2 is proposed to be amended accordingly.

5. Rules 7, 8 and 201 (S. Nos. 2, 3 and 31 of Appendix respectively)

The Committee note that as per provisions of sub-rule (3) of rule 7, sub-rule (3) of rule 8 and sub-rule (2) of rule 201, if a member, in whose name a motion stands on the list of business, does not wish to move the same, he has simply to confine himself to a mere statement to that effect. However, the expressions 'or withdraw the motion' used in sub-rule (3) of rules 7 and 8, and "except when he wishes to withdraw it" in rule 201(2) do not reflect the correct position as the question of withdrawing a motion would arise only after it has been moved by the member concerned and has been placed before the House by the Speaker. The member is therefore, required to seek the leave of the House to withdraw the motion if he so wishes.

Rules 7, 8 and 201 are proposed to be amended accordingly to make the intention of the rules clear and to reflect the correct position.

6. Rule 12 and rule 14 (S. Nos. 4 and 5 of Appendix)

The Committee note that as per well established convention being followed since 1967, sittings of the House are ordinarily held from 11 A.M. to 6 P.M. with a lunch break of one hour from 1 P.M. to 2 P.M. The Committee recommend that this well established practice may be incorporated in the rules.

Rule 12 is proposed to be amended accordingly.

As a consequence to the above amendment rule 14 becomes redundant and may be omitted.

7. Rule 15 (S. No. 6 of Appendix)

At present there is no provision in the rules with regard to the procedure to be followed when the House is not prorogued after being adjourned *sine die* and the Speaker in exercise of his powers reconvenes its sittings. It is proposed that the procedure to be followed in this regard may be incorporated in the rules.

Rule 15 is proposed to be amended accordingly.

8. Rule 20 (S. No. 7 of Appendix)

The Committee note that as per provisions of rule 20, the right to reply to a discussion on the Motion of Thanks on the President's

Address is vested in the Government. However, doubts have sometimes arisen regarding the right of reply ordinarily available to the mover of a motion. With a view to clarifying the position, it is proposed that a suitable provision be made in rule 20 to the effect that the mover shall not have any right of reply after PM/Minister has explained Government's position at the end of the discussion.

Rule 20 is proposed to be amended accordingly.

9. *Rule 27 (S. No. 8 of Appendix)*

The Committee note that as per second and third provisos to sub-rule (2) of rule 27, ballot of all pending Bills, whether classified by the Committee on Private Members' Bills and Resolutions or not, shall be held. However, in actual practice, Bills which secure first twenty places in the ballot are published in Bulletin—Part II, and the members-in-charge are requested to give notices of next motion in regard to their Bills. If there are more than twenty Bills in category 'A', then there is no chance of category 'B' Bills or unclassified Bills being included in the list of business for consideration. Thus, if there are more than twenty Bills in category 'A', then ballot of category 'A' Bills only is held. It is proposed to incorporate the actual practice in the rules.

Rule 27 is proposed to be amended accordingly.

10. *Rule 28 (S. No. 9 of Appendix)*

The Committee note that rule 170, was amended in the year 1966 to provide that the members shall in the first instance, give intimation to the effect that their names be included in the ballot of Private Members' Resolutions and thereafter the first three members who gain priority at the ballot are requested to table notices. However, rule 28 has not been amended so as to be in conformity with rule 170. It is now proposed that rule 28 may be amended so as to bring it in conformity with rule 170.

11. *Rule 34 (S. No. 10 of Appendix)*

The Committee note that sub-rule (1) of rule 34 as presently worded does not mention that the notice of a question shall also specify "the text of the question". This being an essential requirement of a notice of question, sub-rule (1) is being amended to clarify the position in this regard.

The Committee further note that the language of present clause (b) of sub-rule (1) of rule 34 does not clearly bring out the intention that the member should specify the date on which he desires the answer from the Minister. It is proposed to amend the said clause to clarify the position in this regard. It is also proposed that where a member tables more than one notice of question for the same day, he should also indicate the order of preference. Rule 34 is proposed to be amended accordingly.

12. Rule 37 (S. No. 11 of Appendix)

Sub-rule (3) of rule 37 as presently worded comprises of two parts. First part enjoins a requirement on the part of the member to indicate the order of preference on the notices of his starred questions. As per provisions of second part, if no such order of preference is indicated by the member, the questions are to be placed in the starred list in the order in which notices are received in point of time.

The provisions regarding first part are proposed to be inserted in a separate sub-rule under rule 34 *vide* para 11 above.

As regards the second part, since it does not reflect the actual practice whereby any one question given by the member is selected for inclusion in the starred list in the discretion of the Speaker, it is proposed to amend sub rule (2) of rule 37 so as to reflect the actual practice therein.

Rule 37 is proposed to be amended accordingly.

13. Rule 39 (S. No. 12 of Appendix)

The Committee note that where a starred question is called for answer but the member in whose name it stands is absent, a written reply to such a question is deemed to be laid on the Table of the House. It is proposed that sub-rule (1) of rule 39 may be amended to reflect this position.

It is also proposed that the procedure for laying of answers on the Table of the House in the event of cancellation of a sitting of the House or the question hour being suspended or dispensed with or interrupted, may also be provided in the rules.

Rule 39 is proposed to be amended accordingly.

14. Rule 41 (S. No. 13 of Appendix)

The Committee note that as per present practice, questions which are vague or are too general or roving in nature or in the nature of leading questions are disallowed by the Speaker. No specific provision in this regard exists in sub-rule (2) of rule 41 governing the admissibility of questions. It is proposed to incorporate this condition in the rule.

The Committee further note that the rationale behind the existing clause (xx) of sub-rule (2) of rule 41 is that a question seeking information on matters which are secret in their very nature are not admitted. It is proposed to incorporate this principle specifically in the rules.

The Committee also note that questions seeking information about composition of Cabinet Committee are not admitted.

Clause (xx) of sub-rule (2) of rule 41 is being amended accordingly to reflect the actual position

15. Rule 45 (S. No. 14 of Appendix)

The Committee note that at present there is no provision in the rules to specify the maximum number of questions which can be listed for written answer or included in the name of one member in the list of unstarred questions for a day. The Committee had taken a decision on 7 September, 1981 that a maximum of 230 questions (this number may exceed by 25 questions if there is any State under President's Rule) can be included in the list of unstarred questions for a day. Further, a member can have not more than four questions in the unstarred list if he has one question in his name in a starred list and a total of five questions if no question in his name has been included in the starred list.

Rule 45 is proposed to be amended accordingly.

16. Rule 48 (S. No. 15 of Appendix)

The Committee note that as per extant practice a member who has given notice of a question and whose question has been included in the list in his name is bound to ask the question when called by the Speaker unless he has given notice under rule 47 for withdrawal or for postponement of the question. It is proposed to reflect the actual practice in the rule.

Rule 48 is proposed to be amended accordingly.

17. *Rule 50 (S. No. 16 of Appendix)*

The Committee note that the members in whose names a starred question is listed, are to be called by the Speaker in preference to other members to ask supplementary questions. Other members are to be called by the Speaker in his discretion. It is proposed that this position may be reflected in the rules. Sub-rule (2) of rule 50 is proposed to be amended accordingly.

It is also proposed that specific conditions under which a supplementary question is to be disallowed by the Speaker and which are based on the established parliamentary practices followed in the House of Commons (U.K.) as well as in Lok Sabha, may be incorporated in the rules.

Rule 50 is proposed to be amended accordingly.

18. *Rule 55 (S. No. 17 of Appendix)* (

The Committee note that under the existing provisions of sub-rule (5) of rule 55; a Minister has to reply twice to an half an-hour discussion, once when the mover has made the statement and again after the members have asked questions for elucidation on matters of fact.

The Committee feel that it would be more appropriate if the Minister is required to reply to the discussion only once at the end i.e. after the member initiating the discussion as well as the members who are permitted to ask clarificatory questions, have completed their questions.

Rule 55 is proposed to be amended accordingly.

19. *Rule 57 (S. No. 18 of Appendix)*

According to rule 57, notice of an adjournment motion is required to be given to the Speaker, the Minister concerned and the Secretary-General. However, in actual practice the notice is addressed to the Secretary-General and copies are endorsed to (i) the Speaker; (ii) the Minister concerned; and (iii) the Minister of Parliamentary Affairs. It is proposed to reflect the actual practice in the rule itself.

The Committee note that the time by which the notice of an adjournment motion for a sitting can be given by a member is regulated as per provisions of Direction 113B of the Directions by the Speaker. It is proposed that these provisions may be incorporated in the rule itself.

The Committee also note that there being no restriction on the number of notices of adjournment motions that could be tabled by members, a very large number of notices are received every day and many of them relate to trivial matters. The Committee feel that the number of notices of adjournment motion that could be given by a member for a sitting should be restricted and one member might be permitted to give notice of only one adjournment motion for a sitting.

The Committee further note that as per practice in vogue, any number of members can be signatories to a single notice of adjournment motion. In such cases, apart from the first signatory, the order in which the names of other signatories are to be shown is not laid down anywhere, which leads to ambiguity. It is proposed that suitable provision be made in the rule to the effect that a notice of adjournment motion may be signed by one member only. It may also be provided by way of an explanation that ballot shall be held to determine the relative priority of all notices on the same subject for the sitting for which they are valid.

Rule 57 is proposed to be amended accordingly.

20. *Rule 58 (S. No. 19 of Appendix)*

The Committee note that as per rulings given by the Chair, any matter proposed to be raised through an adjournment motion besides being specific and of recent occurrence should also relate to a subject which is the responsibility of the Government of India. It is proposed that this ruling of the Speaker may be incorporated in the rule.

Rule 58 is proposed to be amended accordingly.

21. *Rule 69 (S. No. 20 of Appendix)*

The Committee note that according to the provisions of sub-rule (2) of rule 69, it is not obligatory on the member in charge of the Bill to bring clauses involving expenditure which have not been printed in thick type or in italics, to the notice of the House. It is proposed that it should be made obligatory for the member in charge of the Bill, with the permission of the Speaker, to bring such clauses to the notice of the House.

Rule 69 is proposed to be amended accordingly.

22. *Rule 72 (S No. 21 of Appendix)*

The Committee note that as per extant practice, notices for opposing introduction of a Bill are required to be given latest by 10.00

hours on the day on which the motion for leave to introduce the Bill is included in the list of business. It is proposed to reflect this practice in the rules.

Rule 72 is proposed to be amended accordingly.

23. Rules 74 and 75 (S. Nos. 22 and 23 of Appendix)

The Committee note that under the Constitution, Lok Sabha enjoys a special status so far as Money Bills are concerned. No Money Bill can be referred to a Joint Committee of the Houses. Further, Financial Bills falling within the purview of article 117(1) of the Constitution, cannot be introduced in Rajya Sabha. The first proviso to rule 74 imposes a further restriction that such Bills cannot be referred to a Joint Committee of the Houses. Apart from this, there are no other restrictions in the Constitution in regard to Financial Bills. Such Bills are dealt with like other ordinary Bills and can be amended or altered by Rajya Sabha. These can be referred to Select Committees of each House independently. In case of difference between the two Houses there can even be a Joint sitting of both the Houses under article 108 for consideration and passing of such Bills.

The Committee further note that in the past it had been the consistent practice to suspend the first proviso to rule 74, whenever it was felt necessary to refer a Financial Bill under article 117(1), to a Joint Committee of the Houses. However, during Sixth Lok Sabha, two Bills were referred to the Joint Committees of the Houses without suspending first proviso to rule 74, as the then Speaker had held that suspension of proviso to rule 74 was not required for moving a motion for referring a Financial Bill to a Joint Committee. The matter was also considered by the Rules Committee (Sixth Lok Sabha) at their sitting held on 28 October, 1978. The Committee had recommended that the proviso to rule 74 should be made applicable to Money Bills only. However, before the recommendation of the Committee could be given effect to the Sixth Lok Sabha was dissolved. It is now proposed to give effect to that decision.

Since second proviso to rule 75 is analogous to first proviso to rule 74, similar amendment is also proposed to rule 75.

Necessary amendments to rules 74 and 75 are proposed accordingly.

24. Rule 111 (S. No. 25 of Appendix)

According to the actual practice, where the motion for leave to withdraw a Bill is sought to be opposed, the Speaker, if he thinks fit, permits the member who opposes the motion to speak first and then the member who moved the motion is permitted to reply. The Committee also note that a member who opposes the motion for leave to introduce a Bill, is permitted to speak first and then the member who moved the motion is permitted to reply. It is proposed that the extant practice may be reflected in the rules. Rule 111 may be amended accordingly.

25. Rule 186 (S. No. 26 of Appendix)

The Committee note that in addition to the conditions for admissibility of a motion under rule 184, as laid down in rule 186, certain other conditions based on established practice and precedents are also being followed while examining the admissibility of notices of such motions. It is proposed to incorporate these conditions in the rules to make them self contained.

Rule 186 is proposed to be amended accordingly.

26. Rule 189 (S. No. 27 of Appendix)

The Committee note that according to the provisions of rule 189, all admitted notices of motions under rule 184 are published from time to time in Lok Sabha Bulletin-Part II, as self contained bulletins, under the headings: 'No-Day-Yet-Named Motions'. The first list is published about a week before the commencement of the Session. Thereafter, admitted motions are published in Bulletin Part II in convenient batches. The Committee feel that in view of the above position, the word 'immediately' occurring in the rule 189 may be omitted.

Rule 189 is proposed to be amended accordingly.

27. Rule 190 (S. No. 28 of Appendix)

The Committee note that as per actual practice, admitted notices of motions under rule 184 are also placed before the Business Advisory Committee from time to time for selection and allocation of time for discussion in the House according to the urgency and importance of the subject-matter thereof. It is proposed that this well-established practice may be suitably reflected in rule 190.

Rule 190 is proposed to be amended accordingly.

28. Rule 197 (S. No. 29 of Appendix)

The Committee note that at present no ballot is held when the number of members who table notices for calling attention on a subject selected by the Speaker is five or less and the names are indicated in the list of business on the basis of date and time of receipt of notices. It is proposed to incorporate this practice in the rule 197.

The Committee further note that as per proviso to sub-rule (3) of rule 197 the second matter shall be raised at or immediately before the end of the sitting as the Speaker may fix. Under direction 2 of the Directions by the Speaker, calling attention matters are taken up after disposal of questions and other formal items of business. A second calling attention is very rarely permitted. As such it may be better to leave it to the discretion of the Speaker to fix the time for raising the second matter keeping in view the business before the House.

Rule 197 is proposed to be amended accordingly.

29. Rule 199 (S. No. 30 of Appendix)

The Committee note that though it is customary for a Minister to inform the House of the reasons of his resignation from the Council of Ministers, he is not bound to make such a statement and Speaker cannot compel him to do so. Even where a member chooses to make a statement, no limitation, whatsoever, has been prescribed in the rule as regards the time for making such statement. Though the Speaker, under his inherent powers, may not permit a member to make a statement if the same is unduly delayed the member cannot be denied this privilege outright in the absence of any time limit having been provided in the rule. This point has been raised on the floor of the House on several occasions in the past. Therefore, the Committee feel that necessary provision may be made in the rules specifying the time by which such statement may be made by a Minister who has resigned from the Council of Ministers.

Rule 199 is proposed to be amended accordingly.

30. Rule 218 (S. No. 32 of Appendix)

The Committee note that the Business Advisory Committee allots time to the discussion and voting on the relevant Demands for Grants and no time is specifically allocated for consideration of the Appropriation Bill, which is generally passed without any discussion. No

need has also been felt to provide time separately for the Appropriation Bill in terms of sub-rule (2) of rule 218. There has been no instance during the last 30 years when the Speaker was required to allot time for discussion on an Appropriation Bill under this sub-rule. As such the procedure laid down in the sub-rule has become infructuous.

The Committee, therefore, suggest that sub-rule (2) of rule 218 may be deleted.

As a consequence, the words 'at all or any of the stages for which a day or days have been allotted under sub-rule (2)' may be omitted from sub-rule (3).

Rule 218 is proposed to be amended accordingly.

31. Rule 219 (S. No. 33 of Appendix)

The Committee note that since 1964, there has neither been any instance when all the questions relating to the Finance Bill were put to the vote of the House at 17.00 hours nor the restriction imposed in the proviso to sub-rule (2) of rule 219 was adhered to. It is proposed that the restriction of putting all the questions at 17.00 hours as laid down in sub-rules (2) and (3) of rule 219 may be amended.

Rule 219 is proposed to be amended accordingly.

32. Rule 223 (S. No. 34 of Appendix)

The Committee note that the time by which the notice for raising a question of privilege at a sitting can be given by a member, is laid down in direction 113B of the Directions by the Speaker. It is proposed that necessary provisions in this regard may be made in the rule itself.

Rule 223 is proposed to be amended accordingly.

33. Rule 257 (S. No. 35 of Appendix)

The Committee note that rule 257 does not provide for the date from which the resignation of a member from a Committee shall be effective. It also does not lay down the format of the resignation letter. Rule 240(1) which provides for resignation of seats in the House is taken as a guide to decide the date of effectiveness of the resignation from a Committee. It is proposed that the format of the resignation as also the actual practice followed in this regard may be incorporated in the rules.

Rule 257 is proposed to be amended accordingly.

34. Rules 309, 312B and 331B (S. Nos. 36—38 of Appendix)

The Committee notes that members of Rajya Sabha are associated with the Committees on Public Accounts and Public Undertakings and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The relevant rules viz. 309, 312B and 331B, as worded at present do not reflect the actual position concerning the strength of these Committees and the provision made for the association of members of Rajya Sabha with these Committees. It is proposed to amend these rules with a view to reflect the actual practice.

The Committee further notes that provisos to sub-rule (2) of rules 312B and 331B have become redundant. It is, therefore, proposed that the same may be deleted.

Necessary amendments are proposed to rules 309, 312B and 331B accordingly.

35. Rules 349 and 352 (S. Nos. 39-40 of Appendix)

The Committee notes that in addition to the provisions of rules 349 and 352, observations made by the Chair in the House on the subject from time to time are also required to be followed by the members while in the House and while speaking. It is proposed that these observations may be suitably incorporated in rules 349 and 352 respectively.

These rules are proposed to be amended accordingly.

36. Rule 353 (S. No. 41 of Appendix)

The Committee notes that in the meeting of Speaker with Leaders of Party and Groups held on 18th July, 1980, when the procedure for making allegations in the House was considered it was agreed that it was not enough for a member merely to give notice to the Speaker in general terms before making allegations in the House. It was necessary that before making allegations in the House, the member concerned should give adequate advance notice to the Speaker and the Minister concerned.

The Committee further notes that members generally do not give the necessary information sufficiently in advance. Sometimes the matter has to be referred back to member concerned for obtaining necessary clarifications. Ministers also do not get enough time to enquire into the allegations and collect the facts for a suitable reply.

It is, therefore, proposed that the words 'previous intimation' in the rule may be submitted by the words 'adequate advance notice'.

Rule 353 is proposed to be amended accordingly.

37. Rule 367 (S. No. 42 of Appendix)

The Rules Committee (Sixth Lok Sabha) at their sitting held on 28 October, 1978, concurred with the recommendation made by the General Purposes Committee at their sitting held on 14 August, 1978, regarding the increase in the duration of ringing of the division bells from 2 minutes and 45 seconds to 3 minutes and 30 seconds because the time of 2 minutes and 45 seconds was considered inadequate for members to reach the Chamber in time to participate in the Division. The Committee had also agreed to amend rule 367 (3) (b), accordingly.

The Committee further note that pending enforcement of the amendment to the rule, duration of the ringing of the division bells was increased with effect from the commencement of 6th Session of Sixth Lok Sabha. The then Speaker also mentioned this at a meeting of Leaders of Party/Groups held on 19 November, 1978. However, the recommendation of the Rules Committee made in 1978 could not be given effect to formally as the Sixth Lok Sabha was dissolved on 22 August, 1979.

It is proposed to give effect to the said recommendation and rule 367 is proposed to be amended accordingly.

38 Rule 377 and New rules 377A, 377B and 377C (S. Nos. 43-44 of Appendix)

The Committee propose that a self contained rule (rule 377A) may be added setting down the conditions of admissibility of notices under rule 377 in order to make the relevant provisions more specific and self contained.

The Committee note that rule 377 has since undergone some change in so far as the time for tabling such notices and their validity have been specified under orders of the Speaker to enable all members wishing to raise such matters to get an even chance, in proportion of course, to the strength of their respective parties/groups in the House. The practice may be incorporated in a separate rule.

In conformity with the extent practice as approved by the Speaker, it is proposed to add yet another rule (rule 377C) laying down the restriction of not more than one matter per member per

week and the further restriction that only the text approved by the Speaker shall go on record.

Amendments to rule 377 and new rules 377A, 377B and 377C are proposed accordingly.

39. Fourth Schedule (S. No. 45 of Appendix)

The Committee note that with the coming into force of the National Bank for Agriculture and Rural Development Act, 1981, the Agricultural Refinance Corporation of India stands dissolved. Accordingly, it is suggested that its name may be deleted from Part I of the Fourth Schedule.

The Committee further note that the names of certain undertakings included in Parts I and III of the Fourth Schedule have since been changed. It is proposed that the correct names of these undertakings be shown in Fourth Schedule.

Necessary amendments to the Fourth Schedule are proposed accordingly.

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

NEW DELHI;

3 May, 1989,

13 Vaisakha, 1911 (Saka).

BALRAM JAKHAR

Chairman,

Rules Committee.

APPENDIX

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (6th Edition) as recommended by the Rules Committee

Rule 2

1. (i) In sub-rule (1) of rule 2, in the definition of the term "Minister", after the word "Ministers", the words "and includes a Member of the Cabinet", shall be inserted:

(ii) In sub-rule (1) of rule 2, after the definition of the term "Minister", the following Explanation shall be added at the end, namely:—

"Explanation.—A Parliamentary Secretary who is not a member of the House, is not entitled to attend its sittings."

Rule 7

2. For sub-rule (3) of rule 7, the following shall be substituted, namely:—

"(3) A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect that he moves the motion or that he does not intend to move the motion."

Rule 8

3. For sub-rule (3) of rule 8, the following shall be substituted, namely:—

"(3) A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect that he moves the motion or that he does not intend to move the motion."

Rule 12

4. For rule 12, the following shall be substituted, namely:—

“Commencement and conclusion of sitting.

12. Unless the Speaker otherwise directs, sitting of the House on any day shall ordinarily commence at 11.00 hours and conclude at 18.00 hours with a lunch break for one hour which may ordinarily be from 13.00 hours to 14.00 hours.”

Rule 14

5. Rule 14 shall be omitted.

Rule 15

6. (i) Rule 15 shall be renumbered as sub-rule (1) thereof and

(ii) the following sub-rule (2) shall be added after the proviso, namely:—

“(2) In case the House, after being adjourned is reconvened under proviso to sub-rule (1), the Secretary-General shall communicate to each member the date, time, place and duration of the next part of the session.”

(iii) In the marginal heading, the words “and procedure for reconvening” shall be added at the end.

Rule 20

7. (i) Rule 20 shall be renumbered as sub rule (1) thereof and

(ii) the following sub-rule (2) shall be added, namely:—

“(2) the mover or the seconder shall not have any right of reply after the Prime Minister or any other Minister has explained the position of the Government at the end of the discussion.”

(iii) For the marginal heading, the following marginal heading shall be substituted, namely:—

“Right of reply”

Rule 27

8. After the second proviso to sub-rule (2) of rule 27, the following further proviso shall be inserted, namely:—

“Provided further that where the Committee on Private Members' Bills and Resolutions has classified the Bills

falling under clause (h) of sub-rule (1) as category A and number thereof is twenty or more, ballot of category B Bills may not be held."

Rule 28

9. For rule 28, the following shall be substituted, namely:—

"28. A ballot of names of members desiring to move a resolution shall be held in accordance with orders made by the Speaker, on such day as the Speaker may direct."

Precedence of private members' resolutions.

Rule 34

10. (i) In sub-rule (1) of rule 34, before clause (a), the following shall be inserted, namely:—

"(a) the text of the question:"

(ii) Existing clauses (a) and (b) shall be re-lettered as (b) and (c) respectively.

(iii) In clause (b) so re-lettered, the word 'and' shall be omitted.

(iv) For clause (c) so re-lettered, the following shall be substituted, namely:—

"(c) the date on which answer to the question is desired; and"

(v) To sub-rule (1) of rule 34, the following new clause (d) shall be added namely:—

"(d) the order of preference if any, for its being placed on the list of questions, where a member tables more than one notice of questions for the same day."

Rule 37

11. (i) In sub-rule (1) of rule 37, after the words 'distinguished by the word 'an' shall be inserted.

For sub-rule (2) of rule 37 the following shall be substituted, namely:—

"(2) Unless the Speaker otherwise directs, where a member has given more than one notice of questions distinguished by an asterisk for same day, his question for the list of

questions for oral answer shall be selected in the order indicated by the member and if no such order is indicated, any of these questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time."

Rule 39

12. (i) In sub-rule (1) of rule 39, after the words "answering questions on that day", the words "or if called for answer the member in whose name it stands is absent", shall be inserted.

(ii) For sub-rules (2) and (3) of rule 39, the following shall be substituted, namely:—

"(2) If there is no Question Hour owing to the cancellation of a sitting or its adjournment without transacting any business, the answers to questions included in the lists of questions for oral as well as written answer shall be deemed to have been laid on the Table by the Ministers to whom such questions are addressed at the next sitting of the House after the Question Hour and form part of the proceedings of that day.

(3) If the Question Hour on any day is dispensed with or suspended to devote more time on any other business or for any other reason, the answers to questions included in the lists of questions for oral as well as written answers for that day shall be deemed to have been laid on the Table by the Ministers to whom such questions are addressed and shall form part of the proceedings of the day:

Provided that if the House does not continue with its sitting after dispensing with or suspending the Question Hour, the answers to questions included in the lists of questions for oral as well as written answer for that day shall be deemed to have been laid on the Table after the Question Hour at the next sitting of the House and shall form part of the proceedings of that day:

Provided further that if the Question Hour is interrupted after having taken up the list of questions for oral answer and the list is partly disposed of and the sitting continues, answers to remaining questions in the list of questions for

oral answers and answers to questions in the list of questions for written answer shall be deemed to have been laid on the Table after 12 O'Clock and form part of the proceedings of the day."

(iii) To rule 39 the following new sub-rule (4) shall be added, namely:—

"(4) If the last sitting of a session is cancelled, the questions in the lists of questions for oral as well as written answer for that day shall lapse."

Rule 41

13. (i) In sub-rule (2) of rule 41, before the clause (i) the following shall be inserted, namely: —

"(i) it shall be clearly and precisely expressed and shall not be too general incapable of any specific answer or in the nature of a leading question;"

(ii) After clause (i) so inserted existing clauses (i) to (xxii) shall be renumbered accordingly.

(iii) In clause (xix) so renumbered, for the word "connected", the word "concerned" shall be substituted.

(iv) For clause (xxi) so renumbered, the following shall be substituted, namely:—

"(xxi) it shall not seek information about matters which are in their nature secret, such as composition of Cabinet Committees, Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information;"

Rule 45

14. For rule 45, the following shall be substituted, namely:—

45. (1) Questions which have been admitted and not included in the list of questions for oral answer shall be included in the list of questions for written answer, in accordance with the orders of the Speaker.

"Limit of number of unstarred questions."

- (2) In the list of questions for written answer on any one day, not more than four questions by the same member if he has one question in the list of questions for oral answer, and not more than five questions if he has none in the list of questions for oral answer, and not more than 230 questions in all, shall be included:

Provided that these limits may be exceeded by the number of questions transferred or postponed from one list of questions for written answer to another:

Provided further that the overall limit of 230 questions in the list of questions for written answer on any one day may exceed by the number of questions pertaining to a State or States under President's Rule subject to the maximum limit of 25."

Rule 48

15. In sub-rule (3) of rule 48, for the word 'or', the word 'as' shall be substituted.

Rule 50

16. In rule 50,—

(i) sub-rule (1) shall be re-numbered as sub-rule (3).

(ii) Sub-rule (2) shall be renumbered as sub-rule (1) and sub-rule (1) so renumbered, the following shall be substituted, namely:—

“(1) the member in whose name a question is listed for oral answer or any other member, when called by the Speaker, may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.”

(iii) After sub-rule (1), the following sub-rule (2) shall be inserted, namely:—

“(2) a supplementary question shall be held out of order by the Speaker if, in his opinion:

(i) it does not arise from the main question or its answer;

- (ii) instead of seeking information, it gives information;
- (iii) it involves more than one separate issues;
- (iv) it seeks confirmation or denial of an opinion; and
- (v) it infringes any of the rules regarding questions."

Rule 55

17. In sub-rule (5) of rule 55, for the words "Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to ask a question for the purpose of further elucidating any matter of fact" the following words shall be substituted, namely:—

"Members who have previously intimated to the Speaker may ask a question for the purpose of further elucidating any matter of fact. Thereafter, the Minister shall reply shortly:"

Rule 57

18. For rule 57, the following shall be substituted, namely:—

"57. Notice of an adjournment motion shall be given by 10.00 hours on the day on which the motion is postponed to be made to the Secretary-General and copies thereof shall be endorsed to:— Notice

- (i) the Speaker;
- (ii) the Minister concerned;
- (iii) the Minister of Parliamentary Affairs:

Provided that notices, received after 10.00 hours, shall be deemed to have been received at 10.00 hours on the next day on which the House sits:

Provided further that no member shall give more than one such notice for any one sitting. |

Explanation:—(i) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

- (ii) A ballot shall be held to determine the relative priority of all notices on the same subject for the sitting for which they are valid." |

Rule 58

19. In clause (iii) of rule 58, the following words shall be added at the end, namely:—

“involving responsibility of the Government of India.”

Rule 69

20. For proviso to sub-rule (2) of rule 69, the following shall be substituted, namely:—

“Provided that where a clause in a Bill involving expenditure is inadvertently not printed in thick type or in italics, the member in charge of the Bill shall, with the permission of the Speaker, bring such clauses to the notice of the House.”

Rule 72

21. (i) Rule 72 shall be renumbered as sub-rule (1) thereof; and
(ii) the following sub-rule (2) shall be added after the provisos, namely:—

“(2) Notice to oppose introduction of a Bill shall be addressed to the Secretary-General and given by 10.00 hours on the day on which the motion for leave to introduce the Bill is included in the list of business.”

Rule 74

22. In first proviso to rule 74, for the words “making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution:” the following shall be substituted, namely:—

“if it contains only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 of the Constitution:”

Rule 75

23. In second proviso to sub-rule (3) of rule 75, for the words, “making provisions for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution:” the following shall be substituted, namely:—

“if it contains only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 of the Constitution.”

Rule 84

24. In rule 84, for the word "moved", the word "proposed" shall be substituted.

Rule 111

25. In rule 111, for the words "moves and the member who opposes", the following shall be substituted, namely:—

"opposes the motion and the member who moved"

Rule 186

26. (i) In clause (vii) of rule 186, the word 'and' shall be omitted.

(ii) In rule 186, after clause (viii), the following new clauses shall be added, namely:—

- (ix) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (x) it shall not seek discussion on a paper or document laid on the Table by a private member;
- (xi) it shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee;
- (xii) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (xiii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (xiv) it shall not raise matter under the control of bodies of persons not primarily responsible to the Government of India;
- (xv) it shall not relate to a matter with which a Minister is not officially concerned;
- (xvi) it shall not refer discourteously to a friendly foreign country;
- (xvii) it shall not refer to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and

(xviii) it shall not relate to a trivial matter.”

Rule 189

27. In rule 189, the word “immediately” shall be omitted.

Rule 190

28. In rule 190, after the words “the Leader of the House”, the words “or on the recommendation of the Business Advisory Committee,” shall be inserted.

Rule 197

29. (i) In explanation (iv) to sub-rule (2) of rule 197, for the words “less than five”, the words “five or less” shall be substituted.

(ii) In proviso to sub-rule (3) of rule 197, for the words “or immediately before the end of the sitting”, the words “such time” shall be substituted.

Rule 199

30. (i) At the end of sub-rule (1) of rule 199, the following shall be added, namely:—

“on any day during the session in which the resignation has been accepted by the President:

Provided that a member may make such a statement at the earliest opportunity on a day not being more than seven days from the date of commencement of the session if the resignation was accepted by the President when the House was not in session.”

(ii) In sub-rule (2) of rule 199, after the word ‘House’; the words ‘at least’ shall be inserted.

(iii) Proviso to sub-rule (2) of rule 199, shall be omitted.

Rule 201

31. In sub-rule (2) of rule 201, for the words, ‘except when he wishes to withdraw it, move the motion when called upon to do so, but’, the following words shall be substituted, namely:—

“Unless he states that he does not intend to move the motion, move the motion when called upon to do so, but in either case”.

Rule 218

32. (i) Sub-rule (2) of rule 218 shall be omitted.

(ii) Sub-rules (4) to (6) of rule 218 shall be renumbered as sub-rules (2) to (4) respectively.

(iii) Existing sub-rule (3) shall be renumbered as sub-rule (5) and in sub-rule (5) so renumbered, the words "at all or any of the stages for which a day or days have been allotted under sub-rule (2)" shall be omitted.

Rule 219

33. (i) In sub-rule (2) of rule 219, for the words and figures, "shall, at 17.00 hours", the words, "may, at the specified hour", shall be substituted.

(ii) In proviso to sub-rule (2) of rule 219, for the words and figures, 'at 16.00 hours on that day', the words, 'an hour before the specified hour' and for the word and figure '17.00 hours', the words 'the specified hour', shall be substituted respectively.

(iii) In sub-rule (3) of rule 219, for the word and figure '17.00 hours', the words 'the specified hour', shall be substituted.

Rule 223

34. (i) In rule 223, for the words "before the commencement of the sitting", the words and figures "by 10.00 hours" shall be substituted.

(ii) To rule 223, the following proviso shall be added, namely:—

"Provided that notices received after 10.00 hours shall be deemed to have been received at 10.00 hours on the next day on which the House sits."

Rule 257

35. For rule 257, the following shall be substituted, namely:—

"257. (1) A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker, in the following form:

Resi-
gna-
tion
from
Com-
mittee.

To

The Speaker,
Lok Sabha,
New Delhi.

Sir,

I hereby tender my resignation from the membership of the Committee on..... with effect from.....

Yours faithfully,

Place.....Date.....(Name of the Member)'

- (2) The resignation shall take effect from the date of resignation specified in the letter of resignation.
- (3) If the date from which the resignation should take effect is not specified in the letter, the resignation shall take effect from the date of the letter.
- (4) If the letter of resignation does not bear any date, the resignation shall take effect from the date of receipt of the letter in the Lok Sabha Secretariat."

Rule 309

36. (1) In sub rule (1) of rule 309, for the words 'fifteen members', the words and figures '22 members comprising 15 members' shall be substituted.

(ii) In sub-rule (1) of rule 309, so amended, the following words shall be added at the end, namely:—

"and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee."

Rule 312B

37. (i) In sub-rule (1) of rule 312B, for the words 'fifteen members', the words and figures '22 members, comprising 15 members' shall be substituted.

(ii) In sub-rule (1) of rule 312B, so amended, the following words shall be added at the end, namely:—

"and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee."

(iii) Proviso to sub-rule (2) of rule 312B, shall be omitted.

Rule 331B

38. (i) In sub-rule (1) of rule 331B, for the words 'twenty members', the words and figures '30 members comprising 20 members' shall be substituted.

(ii) In sub-rule (1) of rule 331B, so amended, the following words shall be added at the end, namely:—

“and not more than 10 members of Rajya Sabha to be nominated by that House for being associated with the Committee:”

(iii) Proviso to sub-rule (2) of rule 331B shall be omitted.

Rule 349

39. (i) In clause (ix) of rule 349, for the words 'Speeches are being made in the House;' the words 'another member is speaking' shall be substituted.

(ii) Clause (xi) of rule 349 shall be omitted.

(iii) After clause (x) of rule 349, the following new clauses shall be added, namely:—

“(xi) shall not shout slogans in the House;

(xii) shall not sit or stand with his back towards the Chair;

(xiii) shall not approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;

(xiv) shall not wear or display badges of any kind in the House;

(xv) shall not bring or display arms in the House;

(xvi) shall not display flags, emblems or any exhibits in the House;

(xvii) shall not leave the House immediately after delivering his speech;

(xviii) shall not distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, press notes, leaflets etc. not connected with the business of the House;

- (xix) shall not place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;
- (xx) shall not carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xxi) shall not tear off documents in the House in protest;
- (xxii) shall not bring or play cassette or tape recorder in the House;
- (xxiii) shall avoid talking or laughing in Lobby loud enough to be heard in the House."

Rule 352

40. (i) For clause (ii) of rule 352, the following shall be substituted, namely:—

“(ii) make personal reference by way of making an allegation imputing a motive to or questioning the *bona fides* of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto.”

(ii) In clause (vii) of rule 352, the word “and” shall be omitted.

(iii) After clause (viii) of rule 352, the following new clauses shall be added, namely:—

“(ix) make any reference to the strangers in any of the galleries;

(x) refer to Government officials by name; and

(xi) read a written speech except with the previous permission of the Chair.”

Rule 353

41. In rule 353, for the words ‘previous intimation’, the words *adequate advance notice* shall be substituted.

Rule 367

42. In clause (b) of sub-rule (3) of rule 367, for the words “two minutes”, the words “three minutes and thirty seconds”, shall be substituted.

Rule 377

43. For rule 377, the following shall be substituted, namely:—

377. A member who wishes to bring to the notice of the House a matter which is not a point of order, shall give notice in writing to the Secretary-General specifying clearly and precisely the text of the matter to be raised. The member shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix." "Raising a matter which is not a point of order."

New rules 377A, 377B and 377C

44. After rule 377, the following new rules shall be inserted, namely:—

377A. In order that a notice may be admissible it shall satisfy the following conditions:—

- Conditions of admissibility.
- (i) it shall not refer to a matter which is not primarily the concern of the Government of India;
 - (ii) It shall not relate to a matter which has been discussed in the same session or which is substantially identical to the matter already raised by a member under this rule during the session;
 - (iii) It shall not exceed 250 words;
 - (iv) It shall not raise more than one issue;
 - (v) It shall not contain arguments, inferences, ironical expressions, imputations, Epithets or defamatory statements; and
 - (vi) It shall not refer to proceedings of a parliamentary/consultative committee.

- 377B. (1) Notices received during a week commencing from its first sitting till 10.00 hours on the last day of the week on which the House sits shall be valid for that week. Time for tabling notices and their validity.
- (2) Notices received after 10.00 hours on the last day of the week on which the House sits shall be valid for the next week. Notices received after 10.00 hours and upto 10.30 hours on that day shall be deemed to have been received at the same point of time and these shall be balloted to

determine the *inter-se* priority of members. Notices received subsequently shall be arranged in accordance with the date and time of their receipt.

- (3) Notices not selected during the week for which they have been tabled, shall lapse at the end of the week:

Provided that a notice referred for facts under order of the Speaker shall not lapse till it is finally disposed of.

377C. (1) No member shall raise more than one matter during a week.

- (2) Only the text approved by the Speaker shall go on record."

Fourth Schedule

45. In the Fourth Schedule to the Rules of Procedure and Conduct of Business in Lok Sabha (6th Edition):

(I) *In Part I,*

- (i) in entry 2, the words 'of India' shall be added at the end.
- (ii) in entry 3, the word 'Corporation' shall be omitted.
- (iii) in entry 4, the word, 'International' shall be omitted.
- (iv) in entry 5, the words 'of India' shall be added at the end.
- (v) entry 11 shall be omitted.
- (vi) entry 12 shall be re-numbered as '11'.

(II) *In Part III,*

- (i) in entry 1, for the word, 'Aircraft', the word 'Aero-nautics', shall be substituted.
- (ii) in entry 4, for the word, 'Workshop', the words 'Ship builders and Engineers' shall be substituted.

Restric-
tions on
raising
matters.

MINUTES OF THE SITTING OF THE RULES COMMITTEE
HELD ON TUESDAY, 16 AUGUST, 1988, IN COMMITTEE
ROOM NO. 62, FIRST FLOOR, PARLIAMENT HOUSE,
NEW DELHI

Eleventh Sitting

The Committee sat from 16.30 to 16.50 hours.

PRESENT

Dr. Bal Ram Jakhar—*Chairman*

MEMBERS

2. Shri Deep Narain Ban Mahant
3. Shrimati Premalabai Chavan
4. Shri Madan Pandey
5. Dr. G. S. Rajhans
6. Prof. N. G. Ranga

SPECIAL INVITEE

Shri M. Thambi Durai—*Deputy Speaker.*

SECRETARIAT

Dr. Subhash C. Kashyap—*Secretary-General.*

Shri K. C. Rastogi—*Joint Secretary.*

Shri T. S. Ahluwalia—*Deputy Secretary (L).*

Shri G. S. Bhasin—*Deputy Secretary (C).*

Shri O. P. Chopra—*Under Secretary.*

2. The Committee took up for consideration Memorandum No. 18 regarding general review of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker, Lok Sabha.

The Committee noted that the Rules of Procedure and Conduct of Business in Lok Sabha and the Directions by the Speaker, Lok Sabha, had not been reviewed in a comprehensive manner after their adoption in 1952 and 1956 respectively. As a consequence, in many matters, the actual practice as it had developed over the years was found to be at variance with the text of the rules and directions. In several other cases, matters were governed merely by precedents and practices and there were no rules/directions to guide.

The Committee were informed that it was proposed to review all the rules and directions contained in the 'Rules of Procedure and Conduct of Business in Lok Sabha' and 'Directions by the Speaker, Lok Sabha' so as to ensure that the actual procedure, as it had developed over the years, was reflected in the relevant rules and directions. In the process, an attempt would also be made to ensure that all established practices and precedents in important procedural matters got codified under some rule or directions to the extent possible.

The Committee were further informed that the work of review had been initiated and amendments/modifications proposed to be made in the rules/directions would be placed for consideration/ approval of the Rules Committee from time to time. After this exercise was complete, a revised edition of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker, Lok Sabha, would be brought out.

The Committee approved the proposal to review the rules and directions and decided that the recommendations which might be made by them on the amendments necessitated by such review, might be consolidated and laid on the Table of the House in the form of a Report after all the rules and directions had been reviewed and amendments, if any, considered and agreed to by them.

3. The Committee then took up for consideration Memorandum No. 19 regarding amendments to rules 12 and 14 pertaining to commencements of and conclusions of sitting of the House, respectively.

The Committee noted that as per a well established convention, being followed since 1967, the sitting of the House on each day was ordinarily held from 11 a.m. to 6 p.m., with a lunch break of one hour from 1 p.m. to 2 p.m. The Committee decided to recommend that this well-established convention might be incorporated in the Rules of Procedure and Conduct of Business in Lok Sabha and for the existing rule 12 the following might be substituted:

"Commencement and conclusion of sitting.

12. Unless the Speaker otherwise directs, sitting of the House on any day shall ordinarily commence at 11.00 hours and

conclude at 18.00 hours with a lunch break for one hour which may ordinarily be from 13.00 hours to 14.00 hours."

The Committee also decided to recommend that as a consequence of the above amendment, rule 14 might be omitted.

4. The Committee thereafter considered Memorandum No. 20 regarding amendment to rule 57 regarding notices of adjournment motions.

The Committee noted that as per actual practice, the notice of an adjournment motion was addressed to the Secretary-General and copies thereof endorsed to (i) the Speaker; (ii) the Minister concerned; and (iii) the Minister of Parliamentary Affairs.

The Committee further noted that as per provisions of direction 113B of the Directions by the Speaker, notice of adjournment motion which was required to be given before the commencement of the sitting on the date on which the matter was proposed to be raised in the House, could be given by 10.00 hours on that day. Such notices, if received after 10.00 hours, were treated as notices given for the next sitting.

The Committee were informed that it was proposed to incorporate the above provisions in the rule (Rule 57) itself.

The Committee were further informed that at present there was no restriction on the number of notices of adjournment motions that could be given by members. Consequently, very large number of notices were received every day and many of them related to trivial matters. It was, therefore, felt that there was need to restrict the number of notices of adjournment motions that could be given by a member for a sitting. It was proposed that one member might be permitted to give notice of only one adjournment motion for a sitting.

Attention of the Committee was also invited to the present practice according to which any number of members could be signatories to a single notice of adjournment motion. In such cases, apart from the first signatory, the order in which the names of other signatories should be shown, was not laid down anywhere. With a view to clarifying the position, it was proposed to provide in the

rules that notice of an adjournment motion should be signed by one member only. It was also proposed to incorporate in the rule a provision to the effect that ballot would be held to determine the relative priority of all notices of adjournment motion on the same subject for the sitting for which they were valid.

After some discussion on the changes proposed, the Committee decided to recommend that for the existing rule 57, the following might be substituted:—

“57. Notice of an adjournment motion shall be given by 10.00 hours on the day on which the motion is proposed to be made to the Secretary-General and copies thereof shall be endorsed to:—

- (i) The Speaker;
- (ii) The Minister concerned;
- (iii) The Minister of Parliamentary Affairs.

Provided that notices, received after 10.00 hours, shall be deemed to have been received at 10.00 hours on the next day on which the House sits.

Provided further that no member shall give more than one such notice for any one sitting.

Explanation—(i) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

- (ii) A ballot shall be held to determine the relative priority of all notices on the same subject for the sitting for which they are valid.”

5. The Committee thereafter took up for consideration Memorandum No. 21 on amendment to rule 197 regarding calling attention.

The Committee noted that as per practice no ballot was held when the number of members who had given notices on a subject selected by the Speaker was five or less and the names of these members were indicated in the list of business on the basis of date and time of receipt of notices. It was proposed to incorporate the actual practice in rule 197.

The Committee agreed and recommended that in Explanation (iv) to sub-rule (2) of rule 197 for the words "less than five", the words "five or less" might be substituted.

6. The Deputy Speaker, who attended the sitting of the Committee, as a special invitee, pointed out that the problem faced by the Presiding Officers in regulating the proceedings during zero hour needed to be looked into. In this connection he suggested that the procedure of Special Mention being followed in the Rajya Sabha under which 5 or 6 members were allowed to speak for some time might be considered for adoption in Lok Sabha also. The Speaker observed that the procedure regarding Special Mention could be introduced provided there was a consensus among all parties that members would not be permitted to raise matters under rule 377 also. It was decided that the matter might be placed before the leaders of parties/groups in the House in their next meeting with the Speaker.

The Committee then adjourned.

MINUTES OF THE SITTING OF THE RULES COMMITTEE HELD
ON FRIDAY, 2 DECEMBER, 1988, IN SPEAKER'S COMMITTEE
ROOM, GROUND FLOOR, PARLIAMENT HOUSE, NEW DELHI

Twelfth Sitting

The Committee sat from 1600 to 1620 hours.

PRESENT

Dr. Bal Ram Jakhar—*Chairman*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shrimati Sheila Dikshit
4. Dr. G. S. Rajhans
5. Prof. N. G. Ranga

SPECIAL INVITEE

Shri N. Thambi Durai—*Deputy Speaker.*

SECRETARIAT

Dr. Subhash C. Kashyap—*Secretary-General.*

Shri K. C. Rastogi—*Joint Secretary (A).*

Shri C. K. Jain—*Director-Incharge (A).*

Shri S. C. Gupta—*Deputy Secretary (Q).*

Shri Murari Lal—*Chief Parly. Interpreter.*

Shri O. P. Chopra—*Under Secretary (CI).*

2. As no member of the Committee belonging to the Opposition Groups was present at the sitting, the Committee postponed consideration of Memoranda Nos. 22 to 28 to a subsequent sitting.

The Committee then adjourned.

MINUTES OF THE SITTING OF THE RULES COMMITTEE HELD
ON THURSDAY, 2 MARCH, 1989, IN COMMITTEE ROOM NO. 62,
FIRST FLOOR, PARLIAMENT HOUSE, NEW DELHI

Thirteenth Sitting

The Committee sat from 1600 to 1705 hours.

PRESENT

Shri M. Thambi Durai—*In the Chair.*

MEMBERS

2. Shri H. K. L. Bhagat
3. Shri Somnath Chatterjee
4. Shri Madan Pandey
5. Dr. G. S. Rajhans
6. Prof. N. G. Ranga
7. Shri D. N. Reddy
8. Dr. V. Venkatesh

SECRETARIAT

Dr. Subhash C. Kashyap—*Secretary-General.*
Shri K. C. Rastogi—*Joint Secretary (A)*
Shri G. L. Batra—*Joint Secretary (B)*
Shri B. D. Duggal—*Director (PAC)*
Shri S. C. Gupta—*Deputy Secretary (Q)*
Shri T. S. Ahluwalia—*Deputy Secretary (L)*
Shri D. M. Chanan—*Deputy Secretary (SCTC)*
Shri G. S. Bhasin—*Deputy Secretary (C)*
Shri Murari Lal—*Chief Parly. Interpreter*
Shri O. P. Chopra—*Under Secretary (CI)*
Shri A. Subramanian—*Under Secretary (PAC)*

2. In the absence of the Chairman, Deputy Speaker (Shri M. Thambi Durai) presided over the sitting of the Committee, under authorisation of the Speaker.

3. The Committee considered Memoranda Nos. 22 to 63 (See Annexures) containing suggestions for amendment/modification of certain rules and directions. The Committee agreed to the amendments/modifications to rules and directions, suggested in Memoranda Nos. 22, 24, 27 to 39 and 41 to 63.

4. In regard to suggestions made in Memoranda Nos. 23, 25 and 26 for raising the number of members from 50 to one-tenth of the total number of members of the House for supporting the motion of:—

(i) Adjournment (Rule 60).

(ii) No-confidence in the Council of Ministers (Rule 198); and

(iii) Removal of Speaker/Deputy Speaker (Rules 200 to 203),

the Committee decided that no change was necessary for the present.

5. While considering Memorandum No. 26, the Committee further decided that the new sub-clause (iii) proposed to be added to Rule 200A may be *deleted* and sub-clause (iv) renumbered as sub-clause (iii).

6. In regard to Memorandum No. 28 dealing with amendment of clause (xx) of Rule 41 (2) regarding admissibility of questions, the Minister of Parliamentary Affairs and Information and Broadcasting, explained that everything that happened in Cabinet Committees was confidential and hence it had been suggested that questions seeking information regarding composition of Cabinet Committees might not be admitted. The Committee agreed that the words "composition of Cabinet Committees" might be *inserted* between the words "such as" and "Cabinet discussions" in the new sub-clause (xxi) of Rule 41 (2) proposed in Memo. No. 22.

7. Memorandum No. 40 relating to amendments to Rule 186 was held over. Amendments proposed to Rules 189 and 190 and insertion of a new Direction 113c (regarding procedure for giving notices on motions under rule 184 or under Rule 193 were approved. (Existing Direction 113C to be renumbered as Direction 113D).

8. Professor N. G. Ranga, a member of the Committee, made the following suggestions for consideration:—

(1) Members seeking to move an adjournment motion might be allowed an opportunity to explain in the House in

brief the reasons for seeking the leave of the House to move the adjournment motion. The Speaker might give his ruling on the admissibility of such a motion only after hearing them.

- (ii) The proceedings during the Zero Hour should be regulated in such a manner that the number of points that each party/group desired to raise on a day should be restricted. For this purpose advance notice of the points sought to be raised by a party/group should be given to the Secretary-General.
- (iii) In cases where Speaker alone made obituary reference in the House on the passing away of a Member/ex-Member, Leaders of party/group anxious to convey their views could make them available to the Secretariat within a prescribed time limit and these could be conveyed to the heirs of the deceased.

With regard to suggestions at (i) and (ii) above, the Deputy Speaker observed that these were important matters and might first be considered in the next meeting of the Speaker with the Leaders of Party/Groups in the House. The suggestions at (iii) above, might be considered at a future meeting.

The Committee then adjourned.

ANNEXURE I

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH—I)

RULES COMMITTEE MEMORANDUM NO. 22

SUBJECT: *Proposals for amendments to the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker regarding Questions.*

Rules 32 to 55 of the Rules of Procedure and Conduct of Business in Lok Sabha and directions 10 to 19 of the Directions by the Speaker contain the procedure regarding Questions, Short Notice Questions and Half-an-Hour Discussions.

2. Over the years, various practices and procedures have developed in pursuance of the decisions of the Rules Committee and rulings of the Speaker given in the House or in files relating to disposal of Questions, Short Notice Questions and Half-an-Hour Discussions. It is proposed to incorporate these established procedures and practices in the Rules of Procedure and Directions by the Speaker. The proposed amendments to the Rules and Directions are indicated in the statements given in Enclosures I (Rules) and II (Directions). These Appendices contain the existing text of the Rules and Directions, text of proposed amendment and the reasons for suggesting the amendment.

3. The Committee may consider.

NEW DELHI;

Dated: 26 August, 1988.

ENCLOSURE I

(See para 2 of Memo. No. 22)

STATEMENT SHOWING AMENDMENTS PROPOSED IN RULES RELATING TO QUESTIONS

| Existing Text | Proposed amendment | Reasons for amendment |
|---------------|--------------------|-----------------------|
| 1 | 2 | 3 |

Form of notice

34 (1) Notice of a question shall be given in writing to the Secretary-General and shall specify—

(a) the official designation of the Minister to whom the question is addressed; and

In sub-rule (1)

(i) Following new clause may be added:—

“(a) the text of the question;”

(ii) The existing clause (a) to be re-numbered as (b) and at the end, the word ‘and’ may be *deleted*.

Sub-rule (1) mentions the main requirements to be complied with by a member giving notice of a question. Besides the text of the notice, these are (a) official designation of the minister to whom the question is addressed; (b) the date on which answer is desired; (c) the order of Preference, if any, in case there are more than one notice for same day by that member. Present sub-rule (1) mentions only first two requirements. It seems that the requirements about ‘the text of the question’ as well as the order of preference may also be incorporated to make the sub-rule self-contained.

(b) the date on which the question is proposed to be placed on the list of questions for answer.

(iii) For the existing clause (b), the following may be substituted:—

(c) the date on which answer to the question is desired; and

The intention behind existing clause (b) of sub-rule (1) is that the member should specify the date on which he desires the answer from the Minister. This is not clear from the present language of the clause. In fact, placing a question on the list of questions is done by the Secretariat in accordance with Rules and Directions of Speaker. Hence, the need for change.

(iv) Following new clause (d) may be added:—

“(d) the order of preference if any, for its being placed on the list of questions, where a member tables more than one notice of questions for the same day.”

As explained above against clause (a)

Starred questions

36. A member who desires an oral answer to his question shall distinguish it by an asterisk. If he does not distinguish it by an asterisk the question shall be placed on the list of questions for written answer.

In line three after the word ‘asterisk’— Merely editorial
,’ —may be inserted.

Limit of number of starred questions:

37. (1) Not more than one question distinguished by asterisk by the same member and not more than twenty questions in all shall be placed on the list of questions for oral answer on any one day:

Provided that when a question is postponed or transferred from one list of questions for oral answer to another more than one question may stand in the name of one member and the total number of questions may exceed by such postponed or transferred question.

(2) The order in which questions for oral answer are to be placed shall be indicated by the member giving notice and, if no such order is indicated, the questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.

In sub-rule (1), line 2, before the word 'asterisk' the word 'an' may be inserted.

Merely editorial.

In proviso, line 3, after the word 'another', ' ' may be inserted.

Merely editorial.

For existing sub-rule (2), the following may be substituted:—

“Unless the Speaker otherwise directs, where a member has given more than one notice of questions distinguished by an asterisk for same day, his question for the list of questions for oral answer shall be selected in the order indicated by the member and if no such order is indicated, any of these questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.”

This sub-rule as presently worded comprises of two parts: first, enjoins a requirement for the member to indicate order of preference on the notices of his starred questions; second, if no such order of preference is indicated by the member, the questions are to be placed in the starred list in the order in which notices are received in point of time.

First part is proposed to be added as a new clause (d) of sub-rule (1) of rule 34 above. Second part does not reflect the actual practice whereby any

Unstarred questions

39.(1) If a question is not distinguished by an asterisk, or if a question placed on the list of questions for oral answer on any day is not called for answering questions on that day, a written answer to such question shall be deemed to have been laid on the Table at the end of the Question Hour or as soon as the questions for oral answer have been disposed of, as the case may be, by the Minister to whom the question is addressed:

Provided that if a member, on being called by the Speaker, states that it is not his intention to ask the question standing in his name, the question shall be treated as having been withdrawn and no written answer thereto shall be deemed to have been laid on the Table.

Laying of Written answers

For the existing sub-rule (1), the following may be substituted:

39.(1) If a question is not distinguished by an asterisk, or if a question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day or if called for answer the member in whose name it stands is absent, a written answer to such question shall be deemed to have been laid on the Table at the end of the Question Hour or as soon as the list of questions for oral answer has been disposed of, as the case may be, by the Minister to whom the question is addressed:

Provided that if a member, on being called, states that it is not his intention to ask the question standing in

one question out of the several notices of starred questions given by the member is selected for inclusion in the starred list in the discretion of the Speaker. Hence, the change.

This sub-rule provides for situations in which written answers to questions are deemed to be laid on the Table. Presently worded sub-rule mentions only two situations, one, if a question is Unstarred; and two, if a question placed in the starred list does not reach for oral answer on that day. In fact there is one more situation in which a written reply is deemed to be laid and that is where a Starred Question is called for answer but the member in whose name it stands is absent. Therefore, this situation may also be incorporated in the sub-rule.

his name, the question shall be treated as having been withdrawn and no written answer thereto shall be deemed to have been laid on the Table.

Following new sub-rules (2), (3) & (4) may be inserted:—

(2) If there is no Question Hour owing to the cancellation of a sitting or its adjournment without transacting any business, the answers to questions included in the lists of questions for oral as well as written answer shall be deemed to have been laid on the Table by the Ministers to whom such questions are addressed at the next sitting of the House after the Question Hour and form part of the proceedings of that day.

(3) If the Question Hour on any day is dispensed with or suspended to devote more time on any other business or for any other reason, the answers to questions included in the lists of questions for oral as well as written answers for that day shall be deemed to have been laid on the Table by the Ministers to whom such

The proposed new sub rules (2) (3), and (4) are self-explanatory. These seek to provide for a procedure for laying of answers on the Table of the House in the event of Cancellation of a sitting or the question hour being suspended or dispensed with or interrupted.

questions are addressed and shall form part of the proceedings of the day.

Provided that if the House does not continue with its sitting after dispensing with or suspending the Question Hour, the answers to questions included in the lists of questions for oral as well as written answer for that day shall be deemed to have been laid on the Table after the Question Hour at the next sitting of the House and shall form part of the proceedings of that day:

Provided further that if the Question Hour is interrupted after having taken up the list of questions for oral answer and the list is partly disposed of and the sitting continues, answers to remaining questions in the list of questions for oral answers and answers to questions in the list of questions for written answer shall be deemed to have been laid on the Table after 12 O'Clock and form part of the proceedings of the day.

(4) If the last sitting of a session is cancelled, the questions in the lists of questions for oral as well as written answer for that day shall lapse.

(2) If there is no Question Hour on any day on which the House sits, written answers to questions placed on the list of questions for written answer on that day, if any, shall be laid on the Table by a Minister on behalf of all the Ministers to whom such questions are addressed.

The provision is not in accord with the actual practice. On a day when the House sits but the Question Hour is not fixed, neither any list of questions for oral answers nor lists of questions for written answers is to be issued. Also, written answers to questions are deemed to be laid on the Table by the respective Ministers to whom such questions are addressed and there is no practice whereby a particular Minister is required to lay on the Table written answers on behalf of all other Ministers to whom questions are addressed. Hence, this sub-rule may be omitted

(3) No oral reply shall be required to a question to which a written answer is given and no supplementary questions shall be asked in respect thereof.

May be omitted.

This sub-rule makes a provision for a procedure which is obvious. In respect of a question to which a written answer is given, the question of requiring any oral reply or allowing any supplementary question thereon would not arise. Hence, this sub-rule is superfluous and may be omitted.

Admissibility of questions.

41. (2) The right to ask a question is governed by the following conditions, namely:—

(i) it shall not bring in any name or statement not strictly necessary to make the question intelligible;

(a) The following new clause may be added:—“(i) it shall be clearly and precisely expressed and shall not be too general incapable of any specific answer or in the nature of a leading question;”

Questions which are vague or are too general or roving in nature or in the nature of leading question are disallowed by the Speaker. No such specific provision exists in sub-rule (2) of rule 41 governing the admissibility of questions. It is considered appropriate to incorporate this condition in the Rule.

(ii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;

(b) The existing clauses (i) to (xxii) may be re-numbered accordingly.

Only consequential change.

(xviii) it shall not relate to a matter with which a Minister is not officially connected;

(ix) it shall not ask for information regarding Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information

(c) For the word 'connected, the word 'concerned, may be substituted.

For the existing clause the following may be substituted :

“(xxi) it shall not seek information about matters which are in their nature secret, such as cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information;”

Merely editorial.

The rationale behind the existing clause is that question seeking information on matters which are secret in their very nature are not to be admitted. It is considered appropriate to incorporate specifically this principle in the clause.

List of questions.

45. Questions which have not been disallowed, shall be entered in the list of questions for the day for oral or written answer, as the case may be in accordance with the orders of the Speaker.

For existing rule the following may be substituted:—

Limit of number of unstarred questions

45. (1) Questions which have been admitted and not included in the list of questions for oral answer shall be included in the list of questions for written answer, in accordance with the orders of the Speaker;
- (2) In the list of questions for written answer on any one day, not more than four questions by the same member
- Rule 37 contains provision regarding a limit about maximum number of questions which can be listed for oral answer and the number of questions which can be listed for oral answer in the name of each member for a particular day.
2. There is no rule laying down a limit about maximum number of questions which can be listed for written answer

member if he has one question in the list of questions for oral answer, and not more than five questions if he has none in the list of questions for oral answer, and not more than 230 questions in all, shall be included;

Provided that these limits may be exceeded by the number of questions transferred or postponed from one list of questions for written answer to another:

or included in the name of one member in that list on any one day, although as per decision of the Rules Committee taken on 7-9-1981 unstarred list can have maximum 230 questions (this number may exceed by 25 questions if there is any State under President's Rule) and one member can have not more than four questions in the unstarred list if he has already one in the starred list and if he has none in the starred list, he can have maximum five questions in the unstarred list for a day.

Provided further that the overall limit of 230 questions in the list of questions for written answer on any one day may exceed by the number of questions pertaining to a State or States under President's Rule subject to the maximum limit of 25.

(as per decision taken at the meeting of Speaker with the Leaders of parties/groups and announced in the House on 8-11-1961).

Supplementary questions.

50 (1). No. discussion shall be permitted during the time for questions under rule 32 in respect of any question or of any answer given to a question,

(i) The existing sub-rule (1) may be re-numbered as sub-rule (3).

(i) In order of sequence, existing sub-rule (1) should more appropriately be the last provision for this rule which relates to the supplementary questions.

(2) Any member when called by the Speaker may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.
 Provided that the Speaker shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions.

(ii) For existing sub-rule (2), the following may be substituted :—

“(1) the member in whose name a question is listed for oral answer or any other member, when called by the Speaker, may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.”

(ii) The members in whose name a starred question is listed are to be called by the Speaker in preference to any other member to ask supplementary questions. Members other than those are to be called by the Speaker in his discretion. This position is being suitably reflected and sub-rule has been accordingly re-worded.

(iii) Following new sub-rule may be added :—

“(2) a supplementary question shall be held out of order by the Speaker if, in his opinion :

- (i) it does not arise from the main question or its answer;
- (ii) instead of seeking information, it gives information, separate issues;
- (iv) it seeks confirmation or denial of an opinion; and
- (v) it infringes any of the rules regarding questions.”

(iii) The proposed new sub-rule seeks to provide certain specific conditions, under which a supplementary question is to be disallowed by the Speaker, besides the residuary clause regarding compliance with the general rules of admissibility about questions. These conditions are based on the established parliamentary practices followed in the British House of Commons as well as in Lok Sabha.

Discussion on matter arising out of answer to question

(5) There shall be no formal motion before the House nor voting. The member who has given notice

For existing sub-rule (5), the following may be substituted :—

According to the existing provision contained in sub-rule (5) of Rule 55, the Minister concerned has to reply twice

may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to ask a question for the purpose of further elucidating any matter of fact:

Provided that not more than four members who have previously intimated to the Secretary-General may be permitted to ask a question each for the purpose of further elucidating any matter of fact.

(5) There shall be no formal motion before the House nor voting. The member who has given notice, may make a short statement and the members who have previously intimated to the Speaker may ask a question for the purpose of further elucidating any matter of fact. Thereafter, the Minister shall reply shortly :

Provided that not more than four members who have previously intimated to the Secretary-General may be permitted to ask a question each for the purpose of elucidating any matter of fact.

to the discussion, once when the mover has made the statement and again after the members have asked questions for elucidation on matters of fact. This "procedure requiring the Minister to reply twice to the discussion is found time consuming and often the discussion exceeds the prescribed limit of half-an-hour. Therefore, it is considered appropriate that the Minister may be required to reply to the discussion only to the once at the end *i.e.*, after the member initiating the discussion as well as the members who are permitted to ask clarificatory questions.

Explanation.—A member wishing to ask a question shall make such request in writing before the commencement of the sitting at which the discussion is to take place. If such requests are received from more than four members, a ballot shall be held to determine the names of first four members who may be permitted to ask a question each.

Explanation.—A member wishing to ask a question shall make such request in writing before the commencement of the sitting at which the discussion is to take place. If such requests are received from more than four members, a ballot shall be held to determine the names of first four members who may be permitted to ask a question each.

The suggested amendment in sub-rule(5) of rule 55 is to reflect the above proposal.

It is submitted that the procedure now proposed was being followed in actual practice before 15 March, 1978 not withstanding the procedure laid down in sub-rule (5) of Rule 55. On 15 March, 1978, during an Half-an-Hour discussion regarding expansion of foreign drug companies, the Chair (Shri N.K. Shejwalkar, Chairman) ruled

on a point raised by some members that Minister would have to reply twice first after the member raising the discussion had spoken and again after all the members permitted to ask questions had finished. Since the ruling given by the Chair was at variance with the practice which was then followed, although in accord with the provision in the Rule, the matter was placed before the then Speaker (Shri K.S. Hegde) for direction. The Speaker, thereupon directed that the matter should be left to the Chair. Since then the procedure as contained in the rule has been followed.

ENCLOSURE II

(See para 3 of Memo No. 22)

STATEMENT SHOWING AMENDMENTS PROPOSED IN DIRECTIONS RELATING TO QUESTIONS

| Existing Text | Proposed amendment | Reasons for amendment |
|---------------|--------------------|-----------------------|
| 1 | 2 | 3 |

Consolidation of questions on same or allied subject.

10. Where a large number of notices of questions are received from several members on the same or allied subject, the Speaker may direct that all the notices be consolidated into a single notice if, in his opinion, it is desirable to have a single self-contained question covering all the important points raised by members:

No change in text

Provided that in the case of such a consolidated question, the names of all the members concerned shall be bracketed and shown against the question in the order of priority of their notices.

The proviso to the existing may be substituted by the following two new provisions:—

“Provided that in the case of such a consolidated question being placed on the list of questions for oral answer, the names of not more than two members, determined in the order of precedence, shall be shown

As per existing proviso to Direction 10, the names of all members giving notices of questions on same or allied subject are required to be bracketed and shown against the consolidated question in the order of priority of their notices.

against such question and the notices of such members as are in excess shall be disallowed:

Provided further that in the case of such a consolidated question being placed on the list of questions for written answer, the names of all the members concerned shall be bracketed and shown in the order of precedence".

This means there is no limit on the number of members whose names can be bracketed against the consolidated question. This is not in accord with the present practice whereby the names of not more than two members can be bracketed against a starred question as recommended by the Rules Committee to the Speaker on 25.11.1971. In the case of an unstarred questions there is of course no limit on the number of members whose names can be clubbed.

It is, therefore, suggested that the existing proviso may be substituted by two new provisos to reflect the existing practice in respect of clubbing of names of members against a consolidated starred and unstarred question.

The following new Direction may be inserted :

"10A. Besides the conditions of admissibility of questions mentioned in rule 41, a question shall be inad-

missible for reasons not specified in his private rulings (on the files) held questions inadmissible for reasons not speci-

Admissibility of questions

fically provided in the Rules of Procedure but as per established parliamentary practices and precedents. It is proposed to incorporate some of these established precedents in this Direction by the Speaker.

missible on any of the following grounds:

- (i) if the Speaker is satisfied that it has no factual basis;
- (ii) it is based on opinion of an individual expressed in an article, write up, lecture or public speech;
- (iii) it seeks information on matters which tend to encourage fissiparous and divisive tendencies and weaken the unity and integrity of the country;
- (iv) if it seeks to pursue a matter already under correspondence between the member and the Minister or the Ministry;
- (v) it seeks information on a matter relating to an individual or an individual concern of company;
- (vi) it seeks redressal of service grievances for which already institutional means exist;

- (vii) it relates to a matter of day-to-day administration or tends to further the interest of an individual or a few individuals;
 - (viii) it relates to a matter falling primarily within the jurisdiction of the Chief Election Commissioner, C&AG, courts and other such functionaries;
 - (ix) it relates to petitions and memoranda received or public speeches made by Ministers;
 - (x) it seeks information on a matter pending before an investigative agency and its disclosure is likely to prejudice the course of investigation;
 - (xi) it relates to a matter under negotiation with a government of other country and its disclosure may affect the course of negotiations to the detriment of the national interest; and
 - (xii) it relates to a matter within the jurisdiction of the Speaker.
-

Printing of questions in proceedings

12. When a question, placed on the list of questions for oral or written answer on any day in the name of more than one member, is answered, the names of all such members shall be shown on the question in the printed report of the proceedings of Lok Sabha:

Provided that in the case of a question orally answered the name of the member who actually asked the question on the floor of the House shall be stated first and indicated by an asterisk mark.

Supply of statements in answer to starred questions to members concerned in advance and treatment thereof.

13. (1) When a statement is to be laid on the Table of the House in answer or where reference is made to an answer to a question for oral answer to a previous question, a copy of the statement together with a copy of the question and answer to which reference is made shall be made available to the member concerned half an hour in advance of the question hour.

No change in text.

Merely editorial

In proviso, line 2, after the word 'answered' insert:

Merely editorial to bring uniformity with the use of these words in Rules of Procedure.

In Direction 13(1), last line, for 'question hour' substitute the words the 'Question Hour'

In Direction 16:—

Procedure for Ministers correcting answers to starred/short notice questions or statements in debate

16. When a Minister wishes to correct any inaccuracy in the information which he has given in answer to a starred/short notice question or a supplementary question or in debate the following procedure shall be followed, namely:—

(a) In line 4, the words 'or in debate' may be deleted.

(b) In marginal heading, the words 'or statements in debate' may be deleted.

(1) The minister shall give to the Secretary-General notice of his intention to make a statement. The notice shall be accompanied by a copy of the statement proposed to be made by the Minister.

• • •

The following new Direction may be inserted.

Procedure for Ministers correcting a mistake or inaccuracy in statements made in debate.

"114A. (1) A Minister wishing to correct a mistake or inaccuracy in the information given by him during a debate may make a statement in the House correcting such mistake or inaccuracy with the consent of the Speaker.

Provision about procedure for Ministers *suo moto* correcting information given by them in debates (other than in reply to questions) may be considered appropriate under Chapter IX—General Directions—"Mistake or inaccuracy in statements made in the House" (p. 72).

A new Direction 114A may be inserted.

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(2) The procedure for making such statement shall be *mutatis mutandis* the same as laid down in Direction 16.

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ted for this purpose. Incidentally, it may be pointed out, existing Direction 115 provides for procedure for a Member to point out mistake or inaccuracy in statements made by Ministers or other Members.

ANNEXURE II
(See para 3 of Minutes dated 2-3-1960)
LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—I)

—
RULES COMMITTEE
MEMORANDUM NO. 23

SUBJECT: *Amendment to rule 60 regarding Adjournment Motion.*

Sub-rule (2) of rule 60 of the Rules of Procedure and Conduct of Business in Lok Sabha, dealing with the procedure in connection with seeking of leave for moving adjournment motion, reads as follows:

“(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall intimate that leave is granted. If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House.”

2. Prior to 1952, the number of members required to support the motion for leave being granted to an adjournment motion was ‘twenty-five’. However, in 1952, while adopting the Constituent Assembly (Legislative) Rules, it was decided to increase the number of such members from ‘twenty-five’ to ‘fifty’ on the ground that the supporters should at least be equal to the quorum of the House so that they may, by themselves, be able to form the House.

3. The total number of members of the House is 545 as on date. This may undergo further change after the next general election as the Constitution now provides for a maximum membership of 552. Necessary amendment to the rule may, therefore, be carried out in terms of article 100(3) of the Constitution.

4. The amendment is set out in enclosure.

5. The Committee may consider.

NEW DELHI;

Dated: 26 August, 1968.

ENCLOSURE

(See para 4 of Memorandum No. 23)

Existing rule

Amendment proposed

Sub-rule (2) of rule 60

If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall intimate that leave is granted. If less than *fifty Members rise*, the Speaker shall inform the member that he has not the leave of the House.

If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if *not less one tenth of the total number of* members of the House rise accordingly, the Speaker shall intimate that leave is granted. If the number is *less than one tenth of the total number of Members of the House* the Speaker shall inform the member that he has not the leave of the House.

ANNEXURE III
(See para 3 of Minutes dated 2-3-1989)
LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)

RULES COMMITTEE
MEMORANDUM NO. 24

SUBJECT: *Procedure for tabling notices under rules 184 and 193.*

As per extant procedure, notices of Motions under rule 184 or Short Duration Discussions under rule 193 are entertained from the day following the date of issue of summons. At the sitting of the Business Advisory Committee held on 27 July, 1988, Shri C. Madhav Reddy, M.P. a member of the Committee, pointed out that this was not fair and just as notices tabled by members who were in Delhi at that time had an edge over those who were outside Delhi. He suggested that the notices on the same subject received within a specified period from the date following the date of issue of summons for a Session should be balloted for determining their *inter se* priority so that all the members had equal opportunity to initiate discussions.

The Speaker observed that the matter would be looked into.

2. In this connection, it may be recalled that the Rules Committee at their sitting held on 5 April, 1973, had decided that notices of Motions under rule 184 or of Short Duration Discussions under rule 193 received within 15 days after the issue of summons for a Session should be deemed to have been received on the 15th day after the date of issue of summons for that Session and the *inter se* priority of notices on the same subject might be determined by ballot.

3. Admitted No-Day-Yet-Named Motions and notices of Short Duration Discussions are placed before the Business Advisory Committee which selects the subjects for discussion in the House according to importance and urgency of the matter. The Committee also allots time for discussion on Motions admitted by the Speaker and for Short Duration Discussions on subjects of urgent public importance.

The first list of admitted No-Day-Yet-Named Motions has to be published in Bulletin-Part II about a week before the commencement of the Session for being placed before the Leaders of Party/Groups at the time of their meeting with the Speaker on the eve of the Session and thereafter before the Business Advisory Committee which generally meets on the 1st or 2nd day of the Session for allocation of time, etc.

4. A statement showing the time gap between the issue of summons and the date of commencement of Sessions of the 7th and 8th Lok Sabha is enclosed (See enclosure).

It will be seen that the time gap between issue of summons and the date of commencement of 14 out of 15 Sessions of the 7th Lok Sabha varied between 4 to 32 days. Only in respect of 5th Session the time gap was 37 days. In the current Lok Sabha it has varied between 9 to 30 days and has in no case exceeded 30 days.

In view of the short time gap between the issue of summons and commencement of the Sessions, it has not been possible to follow the procedure suggested by the Rules Committee. Priorities of notices of Motions and Short Duration Discussions are, therefore, being determined according to the date and time of their receipt from the date following the date of issue of summons.

5. In this connection, it may also be mentioned that this issue was raised by Shri Braja Mohan Mohanty, M.P. at the sitting of the Business Advisory Committee held on 4 December, 1986. The matter was placed before the Rules Committee for consideration at its sitting held on 28 March, 1987. The Rules Committee, however, did not take any decision in the matter presumably due to constraints of availability of time for processing notices during the short gap between date of issue of summons and the commencement of the Session.

6. Keeping in view the difficulty of Members who are outside Delhi when summons for a Session are issued, it is suggested that if the time gap between the issue of summons and the commencement of the Session is more than 21 days, notices on the same subject received within seven days after issue of summons for a Session may be deemed to have been received on the seventh day after the date of issue of summons for that Session and their respective *inter se* priority may be determined on the basis of ballot. In case the time

gap is 21 days or less, *inter se* priority may continue to be determined with reference to the date and time of receipt of the notices.

7. The Committee may consider.

NEW DELHI;

Dated 26 August, 1988.

ENCLOSURE

(See para 4 of Memorandum No. 24)

Statement showing the dates of issue of summons and commencement of the Sessions

| Session | Summons issued on | Sessions commenced on | Time gap | Remarks |
|--------------------------|-------------------|-----------------------|----------|-----------------|
| SEVENTH LOK SABHA | | | | |
| 1st Session | 16-1-80 | 21-1-80 | 4 days | Ballot not held |
| 2nd Session | 23-2-80 | 11-3-80 | 16 days | Do. |
| 3rd Session | 24-5-80 | 9-6-80 | 15 days | Do. |
| 4th Session | 15-10-80 | 17-11-80 | 32 days | Do. |
| 5th Session | 9-1-81 | 16-2-81 | 37 days | Ballot held |
| 6th Session | 27-7-81 | 17-8-81 | 20 days | Ballot not held |
| 7th Session | 24-10-81 | 23-11-81 | 29 days | Ballot held |
| 8th Session | 16-1-82 | 18-2-82 | 32 days | Do. |
| 9th Session | 15-6-82 | 8-7-82 | 22 days | Ballot not held |
| 10th Session | 14-9-82 | 4-10-82 | 19 days | Do. |
| 11th Session | 17-1-83 | 18-2-83 | 31 days | Ballot held |
| 12th Session | 25-6-83 | 25-7-83 | 29 days | Do. |
| 13th Session | 20-10-83 | 15-11-83 | 25 days | Ballot not held |
| 14th Session | 31-1-84 | 23-2-84 | 22 days | Do. |
| 15th Session | 29-6-84 | 23-7-84 | 23 days | Do. |
| EIGHTH LOK SABHA | | | | |
| 1st Session | 5-1-85 | 15-1-85 | 9 days | Ballot not held |
| 2nd Session | 28-2-85 | 13-3-85 | 12 days | Do. |
| 3rd Session | 28-6-85 | 23-7-85 | 24 days | Do. |
| 4th Session | 18-10-85 | 18-11-85 | 30 days | Do. |
| 5th Session | 1-2-86 | 20-2-86 | 18 days | Do. |
| 6th Session | 28-6-86 | 17-7-86 | 18 days | Do. |
| 7th Session | 10-10-86 | 4-11-86 | 24 days | Do. |
| 8th Session | 31-1-87 | 23-2-87 | 22 days | Do. |
| 9th Session | 14-10-87 | 6-11-87 | 22 days | Do. |
| 10th Session | 30-1-88 | 22-2-88 | 22 days | Do. |
| 11th Session | 29-6-88 | 27-7-88 | 27 days | Do. |

ANNEXURE IV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 25

SUBJECT: *Amendments to rule 198 regarding motion of no-confidence in the Council of Ministers.*

Clause (b) of sub-rule 1 of rule 198 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as follows:—

“the member asking for leave shall, before the commencement of the sitting for that day give to the Secretary-General a written notice of the motion which he proposes to move.”

2. Direction 113B provides that notices of motion of no confidence in the Council of Ministers etc. required to be given before the commencement of the sitting on the day on which the matter is proposed to be raised in the House shall be given by 10.00 hrs. on that day. In view of this, the words “before the commencement of the sitting for that day” may be substituted by 10.00 hours on that day.”

3. Sub-rule (2) of rule 198 regarding procedure for seeking leave of the House for moving motion of no-confidence reads as follows:—

“(2) If the Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for as he may appoint. If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House.”

4. Prior to 1950, the number of members required to support the motion for leave being granted to motion of no-confidence in the Council of Ministers was 'twenty-five' which was later raised to 'thirty'. The number was again raised to 'fifty' on the consideration that the supporters should at least be equal to the quorum of the House so that they may, by themselves, be able to form the House.

5. The total number of members of the House is 545 as on date. This may undergo further change after the next general election as the Constitution now provides for a maximum membership of 552. Necessary amendment to the rule may, therefore, be carried out in terms of article 100(3) of the Constitution.

6. The amendments are set out in enclosure.

7. The Committee may consider.

NEW DELHI;

Dated 26 August, 1968.

ENCLOSURE

(See para 6 of Memorandum No. 25)

| Existing rule | Amendment Proposed |
|---|---|
| <i>Clause (b) of sub-rule 1 of rule 198—</i> | |
| "the member asking for leave shall, before the commencement of the sitting for that day give to the Secretary-General a written notice of the motion which he proposes to move." | "the member asking for leave shall, by 10.00 hours on that day give to the Secretary-General a written notice of the motion which he proposes to move." |
| | Provided that notices, received after 10.00 hours, shall be deemed to have been received at 10.00 hours on the next day on which the House sits." |
| <i>Sub-rule 2 of rule 198—</i> | |
| "If the Speaker is of the opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifty members rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for as he may appoint. If less than fifty members rise, the Speaker shall inform the member that he has not the leave of the House." | "If the Speaker is of the opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than <i>one tenth of total number of members of the House</i> rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken up on such day, not being more than ten days from the date on which the leave is asked for as he may appoint. If less than <i>one tenth of total number of members</i> rise, the Speaker shall inform the members that he has not the leave of the House." |

ANNEXURE V

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 26

SUBJECT: *Amendments to rules regarding removal of Speaker/Deputy Speaker.*

Rules 200 to 203 of the Rules of Procedure and Conduct of Business in Lok Sabha deal with the procedure for removal of the Speaker/Deputy Speaker from office.

2. Sub-rule (1) of rule 200 provides that a member wishing to give a notice of a resolution regarding removal of Speaker/Deputy Speaker shall do so in writing to the Secretary-General. It has been observed that members give notice only of their intention to move such a resolution without giving the text of the resolution itself. It needs to be provided in the rule clearly that full text of the resolution has to be provided.

3. Sub-rule (3) of rule 201 provides that the number of members in favour of leave being granted to move the resolution shall be fifty. Obviously, this number was provided on the premise that the number of supporters should be at least equal to the quorum of the House so that they may, by themselves, be able to form the House.

The total number of members of the House is 545 as on date. Hence, the quorum for constituting the House is now 55. However, the membership of Lok Sabha may undergo further changes after the general election as the Constitution now provides for a maximum membership of 552 members.

In order to take care of possible increase in the membership of Lok Sabha in future, it may be desirable to amend the existing provision suitably.

4. Though the rules are exhaustive, the condition governing the admissibility of the resolution and scope of discussion thereon have not been provided for. Consequently, on both the occasions in the past when resolutions for removal of the Speaker were discussed in the House, the presiding officers had to spell out in details the lacunae in the resolutions given by members. As such, the conditions of admissibility may be laid down in the rule itself so that it becomes self-contained.

5. The amendments are set out in the enclosure.

6. The Committee may consider.

NEW DELHI;

Dated 26 August, 1968.

Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu and Urdu. The member who desires to speak in one of these languages has to inform the officer at the Table about it at least half-an-hour before he speaks in order to enable the interpreter concerned to take position in the booth. The speech is then simultaneously interpreted into Hindi and English. The member does not have to furnish the Hindi and English translation of his speech. It is prepared by the interpreters with the help of the taped speech.

3. The facility of simultaneous interpretation in languages mentioned in Para 2 is also now available during Question Hour. However, it is limited to the members (not more than two) in whose names a question appears in the list of starred questions. Only such members can ask supplementaries in the House in any of the languages mentioned in para 2 above. Advance notice in this regard has to be given not later than 3 P.M. on the working day preceding the day on which the question is listed for oral answer. This practice is reflected in the Handbook for Members, Lok Sabha (p. 129, Ed. 1965).

4. Thus it will be seen that direction 115B no longer reflects the prevalent practice. Direction 115B is therefore proposed to be amended so as to conform to the existing practice. In respect of languages other than those mentioned in para 2 above, the procedure laid down in direction 115B as it exists now would continue to be followed.

5. Draft revised direction 115B reflecting the current actual practice is at enclosure.

6. The Committee may consider.

NEW DELHI;

Dated 26 August, 1968.

ENCLOSURE

(See para 5 of Memorandum No. 27)

Amendment proposed to direction 115B

Existing direction 115B

Proposed amendment

"SPEECHES IN LANGUAGE OTHER THAN HINDI OR ENGLISH

"SPEECHES IN LANGUAGES OTHER THAN HINDI OR ENGLISH

Procedure regarding speeches in language other than Hindi or English

Procedure regarding speeches in languages other than Hindi or English

115B. A member addressing Lok Sabha in a language other than Hindi or English shall furnish a translation of his speech in Hindi or in English and such translation only shall be printed in the official report of the proceedings of the House with a footnote indicating the language in which the original speech was delivered ;

115B. (1) A member may make a speech in Lok Sabha in any of the following languages, namely, Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Tamil, Telugu or Urdu provided he gives at least half-an-hour's notice to that effect to the officer at the Table in order to enable the Interpreter concerned to take position in the Interpreter's Booth. The speech shall be simultaneously interpreted into Hindi and English.

Provided that where a member addresses Lok Sabha in a language other than Hindi or English, and his speech is simultaneously interpreted into Hindi or English he shall not be required to furnish a translation of his speech in Hindi or in English and the translation of such a speech prepared by the Lok Sabha Secretariat shall be included in the proceedings ;

The translation of his speech in Hindi or English shall thereafter be prepared and printed in the official report of the proceedings of the House with a foot-note indicating the language in which the original speech was delivered.

Provided further that where a member does not furnish a translation of his speech in Hindi or in English as required above, the fact that the member spoke in a language other than Hindi or English shall be mentioned in the official report of the proceedings of the House with the remark that the member did not furnish a translation of his speech in Hindi or English."

(2) A member desirous of making a speech in any language other than Hindi, English and the languages mentioned in clause (1) shall furnish to the officer at the table or the Parliamentary Notice Office, three authenticated copies of the translation of his speech in Hindi or English in advance for use of the interpreters and later incorporation in the official report of the proceedings of the House.

*Direction at present**Proposed amendment*

Provided that where a member does not furnish such translation, the fact that the member spoke in a language other than Hindi or English or any of the languages mentioned in clause (1), shall be mentioned in the official report of the proceedings of the House with the remark that the member did not furnish a translation of his speech in Hindi or English.

(3) A member or members (not more than two) in whose name(s) a question appears in the list of starred questions may ask supplementaries in any of the languages mentioned in clause (1) provided an advance notice in this regard is given not later than 3 P.M. on the working day preceding the day on which the question is listed for oral answer.

ANNEXURE VII

(See para 3 of Minutes dated 2-3-1989)

RULES COMMITTEE

MEMORANDUM NO. 28

SUBJECT: Amendment to rule 41(2) (xx), regarding admissibility of questions.

Shrimati Sheila Dikshit, Minister of State for Parliamentary Affairs and Prime Minister's Office in her letter dated 13 September, 1988 to the Speaker, Lok Sabha (See enclosure) has suggested the following amendment in rule 41 of the Rules of Procedure and Conduct of Business in Lok Sabha:—

For the existing clause (xx) of sub-rule (2) of rule 41 of the Rules of Procedure and Conduct of Business in Lok Sabha substitute the following—

“it shall not ask for information regarding composition of Cabinet Committees and Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information.”

2. The existing clause (xx) of rule 41(2) *ibid* reads as follows:—

“(xx) it shall not ask for information regarding Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information.”

3. A comparison of the existing and the proposed clause would show that in effect the proposal is to insert the words “composition of Cabinet Committees”, thereby widening the scope of the existing clause to make questions seeking information about composition of Cabinet Committee, inadmissible as questions seeking information about Cabinet discussions or advice given to the President are now inadmissible.

4. In this connection, it may be stated that *vide* Memorandum No. 22 containing proposals for amendment to the rules and directions relating to questions, it has been *inter alia* suggested that the existing clause (xx) of rule 41(2) may be substituted as under:—

“it shall not seek information about matters which are in their nature secret, such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information.”

5. The Committee may consider..

NEW DELHI;

Dated the 22 November, 1988.

ENCLOSURE

(See para 1 of Memorandum No. 28)

D. O. No. 88(1)/88-Leg. I

Minister of State
Parliamentary Affairs and
Prime Minister's Office
New Delhi-110001.
September 13, 1988.

Respected Sir,

I send herewith a note containing suggestions for amendment to Rule 41 of the Rules of Procedure and Conduct of Business in Lok Sabha. I shall be grateful if you kindly agree to place it before the Rules Committee for their consideration.

With kind regards,

Yours sincerely,
Sd/-
Sheila Dikshit.

Dr. Balram Jakhar,
Speaker,
Lok Sabha,
New Delhi.

ENCLOSURE

(See para 1 of Enclosure)

MINISTRY OF PARLIAMENTARY AFFAIRS

SUBJECT: Amendment of Rule 41 of the Rules of Procedure and Conduct of Business.

Cabinet Secretariat have pointed out that questions seeking information on matters relating to Cabinet and Cabinet Committees are being asked by Hon'ble Members in both Houses of Parliament. Since matters relating to Cabinet and Cabinet Committees are treated as secret, as such committees are constituted by the Cabinet or by Prime Minister under Rule 6 of the Government of India (Transaction of Business) Rules, 1961 which is confidential. The rationale behind taking the stand by the Government is that matters relating to Cabinet/and or Cabinet Committees are essentially internal matters of Government and may not concern Parliament. In this connection, the following extract from 'Introduction' by Peter Hennessy regarding Cabinet Procedure in U.K. may kindly be seen:

"The method adopted by Ministers for discussion among themselves of questions of policy is essentially a domestic matter and is no concern of Parliament or the public. The doctrine of collective responsibility of Ministers depends in practice upon the existence of opportunities for free and frank discussion between them and such discussion is hampered if the processes by which it is carried on are laid bare. For these reasons, it is also the general practice to avoid, so far as possible, disclosing the composition and terms of reference of Cabinet Committee and in particular, the identity of their Chairman."

2. Lok Sabha Secretariat are accordingly requested to move the Rules Committee to consider the following amendment to Rule 41(2) (xx) of Lok Sabha Rules:

"For the existing Rule 41(2) (xx) of Lok Sabha Rules, substitute the following:—

"it shall not ask for information regarding composition of Cabinet Committees and Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional statutory or conventional obligation not to disclose information."

ANNEXURE VIII

(See para 3 of Minutes dated 2-3-1989)

RULES COMMITTEE

MEMORANDUM NO. 29

SUBJECT: *Amendment to rule 2 regarding definitions of various terms used in the rules.*

Rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha, *inter alia*, defines a 'Minister' as follows:—

“'Minister' means a member of the Council of Ministers, a Minister of State, a Deputy Minister or a Parliamentary Secretary.”

2. Members of the Council of Ministers were earlier categorised as under:—

- (a) Members of the Cabinet;
- (b) Ministers of Cabinet rank;
- (c) Deputy Ministers;
- (d) Parliamentary Secretaries.

Presently however, the Council of Ministers consists of:—

- (a) Members of the Cabinet;
 - (b) Ministers of State;
(Independent Charge)
 - (c) Ministers of State;
 - (d) Deputy Ministers;
 - (e) Parliamentary Secretaries
- } If appointed

Rule 2 therefore needs to be amended to reflect the latest position.

3. The main function of a Parliamentary Secretary is to assist the Minister with whom he is attached in discharging the parliamentary work. A Parliamentary Secretary, however, can perform the functions of a Minister only in the House of which he is a

member, unlike a Minister who can function in either House of Parliament. Accordingly, a Parliamentary Secretary who is not a member of Lok Sabha, cannot participate in the proceedings of Lok Sabha. The position needs to be clarified in rule 2 by adding an explanation.

4. Precise amendments to rule 2 are set out in enclosure.

5. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1989

ENCLOSURE

(See para 4 of the Memorandum No. 29)

[Statement showing the amendment proposed to rule 2 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to definitions]

| Existing Rule | Amendments proposed |
|---|--|
| <i>Rule 2</i> | |
| "Minister" means a member of the Council of Ministers, a Minister of State, a Deputy Minister or a Parliamentary Secretary; | "Minister" means a member of the Council of Ministers and includes a <i>Member of the Cabinet</i> , a Minister of State, a Deputy Minister or a Parliamentary Secretary. |
| | <i>Explanation:</i> A Parliamentary Secretary who is not a Member of the House, is not entitled to attend its sittings. |

ANNEXURE IX

(See para 3 of Minutes dated 2-3-1989)

RULES COMMITTEE

MEMORANDUM NO. 30

SUBJECT: *Amendment to rules 7(3), 8(3) and 201(2) regarding election of Speaker/Deputy Speaker and leave of House to move resolution.*

Sub-rule (3) of rule 7 and sub-rule (3) of rule 8 relating to election of Speaker and Deputy Speaker read as follows:—

“7(3) A member in whose name a motion stands on the list of business may, when called, move the motion or *withdraw the motion*, and shall confine himself to a mere statement to that effect.”

“8(3) A member in whose name a motion stands on the list of business may, when called, move the motion or *withdraw the motion*, and shall confine himself to a mere statement to that effect.”

Sub-rule (2) of rule 201 relating to leave of House to move the resolution for removal of Speaker or Deputy Speaker read as follows:

“201(2) The member in whose name the motion stands on the list of business shall *except when he wishes to withdraw it*, move the motion when called upon to do so, but no speech shall be permitted at this stage.”

2. The intention of the above provisions is that if a member in whose name the motion stands on the list of business does not wish to move the same, he has simply to confine himself to a mere statement to that effect. However, the expression used in rule 7(3) and rule 8(3) “or withdraw the motion” and in rule 201(2) “except when he wishes to withdraw it” does not reflect the correct position. The question of withdrawing a motion would arise only after it has been moved by the member concerned and has been placed

before the House by the Chair. Thereafter, it becomes the property of the House. The member is, therefore, required to seek the leave of the House to withdraw the motion if he so wishes.

3. The above provisions of rules may be amended suitably as set out in enclosure.

4. The Committee may consider:

NEW DELHI;

Dated 24 February, 1988.

ENCLOSURE

(See para 3 of Memorandum No. 30)

| Existing Rule | Amendment proposed |
|--|---|
| <i>Election of Speaker</i> | |
| Sub-rule (3) of rule 7 : A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion, and shall confine himself to a mere statement to that effect. | "A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect, that he moves the motion or that he does not intend to move the motion. |
| <i>Election of Deputy Speaker</i> | |
| Sub-rule (3) of rule 8: A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion, and shall confine himself to a mere statement to that effect. | A member in whose name a motion stands on the list of business shall, unless he states that he does not wish to move the motion, move the motion when called upon to do so. In either case he shall confine himself to a mere statement to the effect, that he moves the motion or that he does not intend to move the motion". |
| <i>Leave of House to move resolution</i> | |
| Sub-rule (2) of rule 201: The member in whose name the motion stands on the list of business shall, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech shall be permitted at this stage. | The member in whose name the motion stands on the list of business shall, unless he states that he does not intend to move the motion, move the motion when called upon to do so, but in either case no speech shall be permitted at this stage. |

ANNEXURE X

(See para 3 of Minutes dated 2-3-1989)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)**

RULES COMMITTEE

MEMORANDUM NO. 31

SUBJECT: Reconvening the House after being adjourned—rule 15.

Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha, reads as follows:—

“15. The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day:

Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned *sine die*.

2. There is, however, no provision in the rules with regard to the procedure to be followed when the House after being adjourned *sine die* is not prorogued and the Speaker in exercise of his powers reconvenes its sittings. It may be recalled that the 8th session of the current Lok Sabha comprised of two parts viz. Part I from 23-2-1987 to 12-5-1987 and Part II from 27-7-1987 to 28-8-1987. It was only on the conclusion of the second part of the session, that the President prorogues the House on 3rd September, 1987.

3. The procedure to be followed at the time for reconvening the House may perhaps be incorporated by adding a sub-rule to rule 15, and making consequential amendment in its sub-heading.

4. The precise amendment to rule 15 is set out in the Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 31)

[Statement showing amendments proposed to Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to adjournment of House]

| Existing Rule | Amendment proposed |
|---|--|
| <i>Adjournment of the House</i> | <i>Adjournment of House and Procedure for reconvening</i> |
| 15. The Speaker shall determine the time when a sitting of the House shall be adjourned <i>sine die</i> or to a particular day, or to an hour or part of the same day: | (1) The Speaker shall determine the time when a sitting of the House shall be adjourned <i>sine die</i> or to a particular day, or to an hour or part of the same day: |
| Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned <i>sine die</i> . | Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned <i>sine die</i> . |
| | (2) In case the House, after being adjourned is reconvened under proviso to sub-rule (1), the Secretary-General shall communicate to each member the date, time, place and duration of the next part of the session. |

ANNEXURE XI

(See para 3 of Minutes dated 2-3-1969)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-1)**

**RULES COMMITTEE
MEMORANDUM NO. 32**

SUBJECT: Amendment to rule 20 regarding Government's right of reply (to the Motion of thanks on President's Address).

Discussion on the Motion of Thanks on the President's Address is initiated by the proposer who is followed by the seconder. Thereafter, other members are called to speak. In the end, generally the Prime Minister or any other Minister, on behalf of the Government, explains the position with respect to the matters raised during the discussion or referred to in the Address.

Obviously, the right of reply has been vested to the Government as the President's Address is a statement of policy of the Government. It is prepared by the Government who are responsible for the contents thereof and are also answerable to the House.

2. Rule 359 provides that subject to the provisions of sub-rule (3) of rule 358, debate on a motion or resolution shall conclude by the reply of the mover of the motion etc.

Sub-rule (3) of rule 358 reads as follows:—

“(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provides that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker.”

Though, sub-rule (3) of rule 358 is silent with regard to the reply on the Motion of Thanks on President's Address, it is evident that for the reasons referred to above Government has been vested with right to reply to the discussion thereon as provided in rule 20 of the Rules of Procedure and Conduct of Business which reads as follows:—

“20. The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.”

3. Doubts have sometimes arisen regarding the right of reply to the mover of the motion. The point needs to be clarified by making suitable provision in rule 20.

4. The precise amendment to the rule 20 is set out in Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 32)

Existing Rule

Amendment Proposed

Government's right of reply

20. The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

Right of Reply

- "(1) The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.
- (2) The mover or the seconder shall not have any right of reply after the Prime Minister or any other Minister has explained the position of the Government at the end of the discussion."
-

ANNEXURE XII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 33

SUBJECT: *Amendment to rule 27 regarding precedence of private members' bills*

Sub-rule (2) of rule 27 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to precedence of Private Members' Bills reads as follows:—

"27. (2) The relative precedence of Bills falling under the same clause of sub-rule (1) shall be determined by ballot to be held in accordance with the orders made by the Speaker and on such day and in such manner as the Speaker may direct:

Provided that the motion in respect of Bills falling under clause (a) of sub-rule (1) shall be entered in the list of business in the order in which notices of such motions have been received in point of time:

Provided further that Bills falling under clause (h) of sub-rule (1) which are classified by the Committee on Private Members' Bills and Resolutions as category A shall have precedence over Bills classified as category B, and that the relative precedence of Bills falling under each of these categories shall be determined by ballot separately:

Provided further that where the Committee has not classified the Bills falling under clause (h) of sub-rule (1) as category A and category B, the order in which such Bills shall be put down in the list of business shall be determined by ballot in accordance with such directions as the Speaker may give."

2. The combined effect of the second and the third provisos to sub-rule (2) of rule 27 is that ballot of all pending Bills, whether classified by the Committee or not, shall be held.

3. In actual practice, Bills which secure first twenty places in the ballot are published in Bulletin-Part II and the members-in-charge are requested to give notices of next motion in regard to their Bills. If there are more than twenty Bills in category 'A', then there is no chance of category 'B' Bills or unclassified Bills to be included in the list of business for consideration. Therefore, it was decided that if there are more than twenty Bills in category 'A', then ballot of category 'A' Bills only be held.

4. The present practice may be incorporated in sub-rule (2) of rule 27 after the second proviso. The precise amendment is set out in the Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated: 24 February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 33)

**[Statement showing the amendment proposed to rule 27 of the
Rules of Procedure and Conduct of Business relating to
precedence of Private Members' Bills.]**

| Existing sub-rule (2) of Rule 27 | Proposed proviso to be added at the end of second proviso to sub-rule (2) of Rule 27. |
|--|--|
| <hr/> | |
| <p>27. (1) * * *</p> <p>(2) The relative precedence of Bills falling under the same clause of sub-rule (1) shall be determined by ballot to be held in accordance with the orders made by the Speaker and on such day and in such manner as the Speaker may direct:</p> <p>Provided that the motion in respect of Bills falling under clause (a) of sub-rule (1) shall be entered in the list of business in the order in which notices of such motions have been received in point of time :</p> <p>Provided further that Bills falling under clause (h) of sub-rule (1) which are classified by the Committee on Private Members' Bills and Resolutions as category A shall have precedence over Bills classified as category B, and that the relative precedence of Bills falling under each of these categories shall be determined by ballot separately:</p> <p>Provided further that where the Committee has not classified the Bills falling under clause (h) of sub-rule (1) as category A and category B, the order in which such Bills shall be put down in the list of business shall be determined by ballot in accordance with such directions as the Speaker may give.</p> | <p>"Provided further that where the Committee on Private Members' Bills and Resolutions has classified the Bills falling under clause (h) of sub-rule (1) as category A and number thereof is twenty or more, ballot of category B Bills may not be held:"</p> |
| <hr/> | |

ANNEXURE XIII

(See para 3 of Minutes dated 2-3-1969)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 34

SUBJECT: Amendment to rule 28 regarding precedence of Private Members' Resolutions.

Rule 28 of the Rules of Procedure and Conduct of Business, in Lok Sabha relating to precedence of Private Members' Resolutions reads as under:—

“28. The relative precedence of resolutions, notices of which have been given by private members, shall be determined by ballot, to be held in accordance with orders made by the Speaker, on such day as the Speaker may direct.”

2. The above rule is based on the past practice which was followed prior to April, 1966. Rule 170 of the Rules of Procedure was amended in the year 1966 to provide that the members shall, in the first instance, give intimation to the effect that their names be included in the ballot of Private Members' Resolutions. The three members who are successful at the ballot are requested to table notices of their resolutions within 2 days of the ballot. Thereby, the old procedure of members tabling the notices of their resolutions in the first instance, and the ballot being held later on was amended. However, rule 28 has not been amended so as to be in conformity with rule 170 of the Rules of Procedure. The rule may therefore be amended as suggested in Enclosure.

3. The Committee may consider.

NEW DELHI;

Dated: 24 February, 1969.

ENCLOSURE

(See para 2 of Memorandum No. 34)

[Statement showing the amendment proposed to rule 28 of the Rules of Procedure and Conduct of Business relating to precedence of Private Members' Resolutions.]

| Existing rule 28 | Amendment proposed |
|---|--|
| 28. The relative precedence of resolutions, notice of which have been given by private members, shall be determined by ballot, to be held in accordance with orders made by the Speaker, on such day as the Speaker may direct. | 28. A ballot of names of members desiring to move a resolution shall be held in accordance with orders made by the Speaker, on such day as the Speaker may direct. |

ANNEXURE XIV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 35

SUBJECT: *Amendment to rule 58 regarding restrictions on right to move adjournment motion.*

The right to move an adjournment motion in the House for the purpose of discussing a definite matter of urgent public importance is not absolute. Certain restrictions have been imposed for moving such a motion. These are enumerated in rule 58 of the Rules of Procedure and Conduct of Business in Lok Sabha. One such restriction viz. 58 (iii) reads as follows:—

“58 (iii) The motion shall be restricted to a specific matter of recent occurrence.”

2. It has been consistently held by successive Speakers that the matter proposed to be raised through an adjournment motion besides being specific and of recent occurrence should also relate to a subject which is the responsibility of the Government of India. It is, therefore, suggested that this may be reflected in the rules itself by substituting the existing provision (iii) as follows:—

“The motion shall be restricted to a specific matter of recent occurrence involving responsibility of the Government of India.”

3. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ANNEXURE XV

(See para 3 of the Minutes dated 2-3-1960)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—I)**

RULES COMMITTEE

MEMORANDUM NO. 36

SUBJECT: *Amendment to rule 69 relating to Financial memorandum and clauses involving expenditure.*

Sub-rule (2) of Rule 69 provides as follows:—

“Clauses or provisions in Bills involving expenditure from the Consolidated Fund of India shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member in charge of the Bill to bring such clauses to the notice of the House.”

2. It may be seen that the proviso to rule 69(2) is not so worded as to make it obligatory on the member in charge of the Bill to bring clauses involving expenditure which have not been printed in thick type or in italics to the notice of the House. To make the rule more effective, it is suggested that the proviso may be amended to make it obligatory for the member in charge of a Bill with the permission of the Speaker to bring such clauses to the notice of the House.

3. The amendment is set out in Enclosure.

4. The Committee may consider.

NEW DELHI;

Dated 24 February, 1960.

ENCLOSURE

(Vide para 2 of the Memorandum 36)

| Existing rule | Modification proposed |
|---|---|
| -69(2) Clauses or provisions in Bills involving expenditure from the Consolidated Fund of India shall be printed in thick type or in italics: | No change |
| Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member incharge of the Bill to bring such clauses to the notice of the House. | Provided that where a clause in a Bill involving expenditure is inadvertently not printed in thick type or in italics, the member in charge of the Bill shall, with the permission of the Speaker, bring such clauses to the notice of the House. |

ANNEXURE XVI

(See para 3 of the Minutes dated 2-3-1989)

MEMORANDUM NO. 37

SUBJECT: *Amendment to rule 72 relating to procedure when introduction of Bill opposed.*

Rule 72 provides as under:

"72. If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon:

Provided further that the Speaker shall forthwith put to vote the motion for leave to introduce a Finance Bill or an Appropriation Bill.

2. It is necessary for a member to give advance notice of his intention to oppose a motion for leave to introduce a Bill. There have been instances when members who had not given advance notice were not permitted by the Chair to oppose introduction of the Bill.

3. In accordance with the practice followed so far, the notice has to be tabled by 10.00 hours on the day on which motion for leave to introduce the Bill is included in the List of Business. The members who table notices after 10.00 hours on that day are not permitted by the Speaker to oppose introduction of the Bill. However, there have been some instances when special permission was granted by the Speaker even when the notices were tabled after 10.00 hours. But, by and large, the practice has been adhered to and the members who had tabled notices after 10.00 hours were not permitted to oppose introduction of the Bill.

4. In view of the above, rule 72 may be amended with a view to making a provision therein that notices for opposing introduction of a Bill be given latest by 10.00 hours on the day on which the motion for leave to introduce is included in the List of Business so that there remains no ambiguity regarding the procedure in this respect. The precise amendments are set out in the Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

(See paras 2 and 3 of the Memorandum No. 37)

| Existing Rule | Modification proposed |
|---|--|
| <p>72. If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question:</p> <p>Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon:</p> <p>Provided further that the Speaker shall forthwith put to vote the motion for leave to introduce a Finance Bill or an appropriation Bill.</p> | <p>72(1) No change</p> <p>No change</p> <p>No change</p> <p>(2) Notice to oppose introduction of a Bill shall be addressed to the Secretary-General and given by 10.00 hours on the day on which the motion for leave to introduce the Bill is included in the List of Business.</p> |

ANNEXURE XVII

(See para 3 of Minutes dated 2-3-1960)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 38

SUBJECT: Amendment to Rule 84 regarding arrangement of amendments.

Rule 84 of the Rules of Procedure and Conduct of Business in Lok Sabha provides:

"Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member incharge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notices thereof are received."

2. The above Rule refers to arrangement of amendments in the List of Amendments while circulating them. The word "moved" used in this context does not seem to be appropriate and should more appropriately be replaced by the word "proposed."

3. The Committee may consider.

New Delhi

Dated 24 February, 1960.

ENCLOSURE

(See para 2 of the Memorandum No. 38)

| Existing Rule | Amendment proposed |
|--|---|
| <p>84. Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notices thereof are received.</p> | <p>Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment proposed by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notices thereof are received.</p> |

ANNEXURE XVIII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 30

SUBJECT: Amendment to rule 111 relating to procedure when withdrawal of Bill opposed.

Rule 111 provides as under:—

“111. If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.”

2. In actual practice, where the motion for leave to withdraw a Bill is sought to be opposed, the Speaker, if he thinks fit, permits the member who opposes the motion to speak first and then the member who moved the motion is permitted to reply. The wording of the rule, therefore, requires to be changed accordingly so as to conform to the actual procedure followed in the House.

3. In case of procedure when introduction of a Bill is opposed, rule 72 provides, *inter alia*, as under:—

“72. If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, brief statements from the member who opposes the motion and the member who moved the motion, may, without further debate, put the question:”

In this case also the member who opposes the motion is permitted to speak first and then the member who moved the motion is permitted to reply. The wording of rule 72 was amended in 1974 to its present form so as to conform to the procedure followed in the House.

4. In view of the above, rule 111 may be amended accordingly. The precise amendments are set out in the Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

(See paras 2 and 4 of the Memo. No. 39)

| Existing Rule | Changes proposed |
|---|--|
| 111. If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question. | 111. If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who opposes the motion and the member who moved the motion to make brief explanatory statements and may thereafter, without further debate, put the question. |

ANNEXURE XIX

(See para 3 of Minutes dated 2-3-1969)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 40

SUBJECT: *Amendment to rules 186, 189, and 190 and new direction 113C.*

Amendment to Rule 186

1.1 Rule 186 of the Rules of Procedure lays down certain conditions for admissibility of a motion under rule 184. In addition to existing conditions (i) to (viii), the following conditions based on established practice and precedents are also being followed while examining the admissibility of notices of motions, namely:—

- (a) if it contains a statement the member shall make himself responsible for the accuracy of the statement.
- (b) it shall not seek discussion on a paper or document laid on the Table by a private member;
- (c) it shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee;
- (d) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (e) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (f) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- (g) it shall not relate to a matter with which a Minister is not officially concerned;

- (h) it shall not refer discourteously to a friendly foreign country;
- (i) it shall not refer to or seek disclosure of information regarding Cabinet discussions, or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and
- (j) it shall not relate to a triivial matters.

1.2 It is, therefore, suggested that the above conditions may be incorporated in the rule 186 and added at the end as shown in the Enclosure I.

Amendment to rule 189

2.1 Rule 189 of the Rules of Procedure provides as follows:—

“If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Bulletin with the heading: ‘No-Day-Yet-Named Motions.’”

2.2 In pursuance of provisions of the above rule, all admitted notices of motions are published from time to time in Lok Sabha Bulletin—Part II, as self-contained bulletins, under the heading: ‘No-Day-Yet-Named Motions’. The first list is published about a week before the commencement of the Session. Thereafter, admitted motions are published in Bulletin—Part II in convenient batches.

2.3 In view of the above position, it is suggested that the word “immediately” occurring in the rule 189 may be omitted. (See Enclosure II).

Amendment to Rule 190

3.1 Rule 190 of the Rules of Procedure provides as follows:—

“The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.”

3.2 In actual practice, admitted notices of motions are also placed before the Business Advisory Committee from time to time for

selection and allocation of time for discussion in the House according to the urgency and importance of the subject-matter thereof.

3.3 It is for consideration whether the above well-established practice may be suitably incorporated in rule 190 of the Rules of Procedure as indicated in Enclosure—III.

Provision of a new direction 113C regarding Procedure for giving Notices on Motions under rule 184 or on Short Duration Discussions under rule 193

4.1 About a week before the commencement of a Session, members are informed through a para in Bulletin—Part II about the detailed procedure as outlined below:—

- (i) Notices for Motions under Rule 184 or Short Duration Discussions under Rule 193 regarding statements to be made in the House by Ministers or statements, reports or papers to be laid on the Table will be entertained from 10.00 hours on the day the List of Business wherein the item has been included, as circulated to Members.
- (ii) In a case where a Supplementary List of Business is circulated in the House in regard to a statement, the notices of Motions or Short Duration Discussions in respect of that statement, received within 15 minutes of circulation of the List of Business, will be deemed to have been received at the same point of time and their *inter se* priority determined by ballot.
- (iii) In a case where an announcement is made by the Chair about a statement to be made a Minister in the House, the notices of Motions or Short Duration Discussions in respect of that statement will be entertained from the time the announcement is made by the Chair in the House.
- (iv) In a case where a statement is made without being listed in the List of Business or Supplementary List of Business, the notices of Motions or Short Duration Discussions in respect of that statement will be entertained from the time the statement is actually made in the House.
- (v) In cases mentioned in paras (iii) and (iv) also, all notices received within 15 minutes of announcement by the

Chair, or statement by the Minister, as the case may be, will be deemed to have been received at the same point of time and their *inter se* priority determined by ballot.

4.2 The said procedure is not governed by any rule or direction. It is for consideration whether suitable provision may be made accordingly in a new direction. If approved, the existing direction 113C may be renumbered as 113D and these provisions may be provided for under direction 113C as per draft given in Appendix—IV.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

See para 1.2 of Memo. No. 40)

[Statement showing amendment to rule 186 of the Rules of Procedure relating to admissibility of motions]

| Existing Provisions | Amendment Suggested |
|--|--|
| 186. In order that a motion may be admissible it shall satisfy the following conditions, namely:— | 186. In order that a motion may be admissible it shall satisfy the following conditions, namely:— |
| (i) it shall raise substantially one definite issue; | (i) it shall raise substantially one definite issue; |
| (ii) it shall not contain arguments, inferences, ironical expressions, imputations of defamatory statements; | (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements; |
| (iii) it shall not refer to the conduct or character of persons except in their public capacity; | (iii) it shall not refer to the conduct or character of persons except in their public capacity; |
| (iv) it shall be restricted to a matter of recent occurrence; | (iv) it shall be restricted to a matter of recent occurrence; |
| (v) it shall not raise a question of privilege; | (v) it shall not raise a question of privilege; |
| (vi) it shall not revive discussion of a matter which has been discussed in the same session; | (vi) it shall not revive discussion of a matter which has been discussed in the same session; |
| (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; and | (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; |
| (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India. | (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India; |
| | (ix) if it contains a statement the member shall make himself responsible for the accuracy of the statement; |
| | (x) it shall not seek discussion on a paper or document laid on the Table by a private member, |
| | (xi) it shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee; |

| Existing Provisions | Amendment Suggested |
|---------------------|---|
| | (xii) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition; |
| | (xiii) it shall not relate to a matter which is not primarily the concern of the Government of India; |
| | (xiv) it shall not raise matter under the control of bodies or persons not primarily responsible to the Government of India; |
| | (xv) it shall not relate to a matter with which a Minister is not officially concerned; |
| | (xvi) it shall not refer discourteously to a friendly foreign country; |
| | (xvii) it shall not refer to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and |
| | (xviii) it shall not relate to a trivial matter. |

ENCLOSURE II

(See para 2.3 of the Memo. No. 40)

[Statement showing amendment to rule 189 of the Rules of Procedure regarding
publication of admitted motions]

| Existing Provision | Amendment Suggested |
|---|---|
| 189. If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Bulletin with the heading: 'No-Day-Yet-Named Motions'. | In rule 189, the word "immediately" may be omitted. |

ENCLOSURE III

(See para 3.3 of the Memo. No. 40)

[Statement showing amendment to rule 190 of the Rules of Procedure regarding allotment of time for discussion of Motions]

| Existing Provision | Amendment Suggested |
|--|---|
| 190. The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion. | The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House <i>or on the recommendation of the Business Advisory Committee</i> , allot a day or days or part of a day for the discussion of any such motion. |

APPENDIX IV

(See para 4.2 of the Memo. No. 40)

Renumber the existing Direction 113C as 113D and insert the following, namely:—

- 113C. (1) Notices of Motions under rule 184 and Short Duration Discussions under rule 193 shall be accepted from the date following the date of issue of summons for a session.
- (2) Such notices regarding statements to be made in the House by Ministers or statements, reports or papers to be laid on the Table shall be accepted from 10.00 hours on the day the list of business wherein the item has been included, is circulated to members.
- (3) In a case where a supplementary list of business is circulated in the House in regard to a statement, notices in respect of that statement, received within fifteen minutes of circulation of the list of business, shall be deemed to have been received at the same point of time and their *inter se* priority determined by ballot.
- (4) In a case where an announcement is made by the Chair about a statement to be made by a Minister in the House, notices in respect of that statement shall be accepted from the time the announcement is made by the Chair in the House.
- (5) In a case where a statement is made without being included in the list of business or supplementary List of Business, notices in respect of such statement shall be accepted from the time the statement is actually made in the House.
- (6) All notices received within fifteen minutes of announcement by the Chair, or statement by the Minister under clauses (4) & (5) respectively, shall be deemed to have been received at the same point of time and their *inter se* priority determined by ballot.

Explanation.—The period of fifteen minutes referred to in clauses (3) and (6) shall be computed from the time of completion of circulation of list of business or the announcement by the Chair or the statement of the Minister, as the case may be.

ANNEXURE XX

(See para 3 of Minutes dated 2-3-1989)

RULES COMMITTEE

MEMORANDUM NO. 41

SUBJECT: *Amendment to rule 197 and direction 47A relating to the Procedure regarding admission of two Calling Attention items on a single day.*

Sub-rule (3) of rule 197 read with direction 47A regulates the procedure when two calling attention matters are admitted for a day. Rule 197 originally provided taking up of only one calling attention matter on a day. Direction 47A was issued by the Speaker in 1957 to enable taking up of two such matters on one day. The rule itself was amended in 1967 to facilitate taking up of two calling attention matters on the same day.

2. Proviso to rule 197(3) provides, *inter alia*, that the second matter shall be raised at or immediately before the end of the sitting as the Speaker may fix. Under direction 2 of the Directions by the Speaker, calling attention matters are taken up after disposal of questions and other formal items of business. A second calling attention is very infrequently permitted. As such it may be better to leave it in the discretion of the Speaker to fix the time for raising the second matter keeping in view the business before the House. The proviso may be amended accordingly.

3. Direction 47A provides that where two calling attention matters have been included in the list of business for a day, the Minister concerned may make a brief statement in respect of the first matter. In respect of the second matter, a statement may be laid on the Table by the Minister concerned and copies thereof shall be supplied to members in whose name the item stands in the list of business.

It is felt that the second calling attention matter may not be treated differently and in any case provisions of rule 197(2) have

to be applied. In order to remove any ambiguity in the direction, it is suggested that the following may be added at the end:—

“and the Minister shall reply at the end to the clarificatory questions asked thereon.”

4. Relevant provisions of rule 197 and direction 47A are reproduced in Enclosure. The amendments proposed thereto have also been indicated in a separate column.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1989.

ENCLOSURE

(See Para 4 of the Memorandum No. 41)

| Existing Rule/Direction | Modification proposed |
|---|---|
| <p><i>Rule 197</i></p> <p>(1) A member may, with the previous permission of 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 :</p> <p>Provided that no member shall give more than two such notices for any one sitting.</p> | <p>No modification proposed.</p> |
| <p>(2) There shall be no debate on such statement at the time it is made but each member in whose name the item stands in the list of business may, with the permission of the speaker, ask a clarificatory question and the Minister shall reply at the end to all such questions:</p> <p>Provided that names of not more than five members shall be shown in the list of business.</p> <p>Explanation.— ** **</p> | <p>No modification proposed.</p> |
| <p>(3) Not more than two such matters shall be raised at the same sitting:</p> <p>Provided that the second matter shall not be raised by the same members who have raised the first matter and it shall be raised at or immediately before the end of the sitting as the Speaker may fix.</p> | <p>Not more than two such matters shall be raised at the same sitting:</p> <p>Provided that the second matter shall not be raised by the same members who have raised the first matter and it shall be raised <i>at such time</i> as the Speaker may fix.</p> |
| <p><i>Direction 47A Sub-clause (1)</i></p> <p>(1) Where under rule 197(3) two calling attention matters have been included in the list of business for a day, the Minister concerned may make a brief statement in respect of the first matter. In respect of the second matter, a statement may be laid on the Table by the Minister concerned. Copies of the Statement so laid shall be supplied to the members in whose names the item stands in the list of business.</p> | <p>Where under rule 197(3) two calling attention matters have been included in the list of business for a day, the Minister concerned may make a brief statement in respect of the first matter. In respect of the second matter a statement may be laid on the Table by the Minister concerned. Copies of the statement so laid shall be supplied to the members in whose names the item stands in the list of business and the Minister shall reply to the clarificatory questions asked thereon.</p> |

ANNEXURE XXI

(See para 3 of Minutes dated 2-3-1969)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 42

SUBJECT: *Amendment to rule 199 regarding statement by Minister who has resigned (from the Council of Ministers).*

Sub-rule (1) of rule 199 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to statement by Minister who has resigned from the Council of Ministers reads as follows:—

“A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.”

2. Though it is customary for a Minister to inform the House of the reasons of his resignation from the Council of Ministers, he is not bound to make such a statement and Speaker cannot compel him to do so. Even where a member chooses to make a statement, no limitation, whatsoever, has been prescribed in the rule as regards the time for making such statement. Though the Speaker, in his inherent powers, may not permit a member to make a statement if the same is unduly delayed, the member cannot be denied this privilege outright in the absence of any time limit in the rule itself. This point has been raised on the floor of the House on several occasions in the past.

In view of above, it is felt that necessary provision may be made in the rule specifying the time by which such statement may be made by a Minister who has resigned from the Council of Ministers.

3. The precise amendments are set out in the Enclosure.

4. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1969.

ENCLOSURE

(See Para 3 of Memorandum No. 42)

[Statement showing the amendments proposed to Rule 199 of Rules of Procedure and Conduct of Business relating to Statement by Minister who has resigned]

| Existing rule | Amendments proposed |
|--|---|
| <p>“199(1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.</p> | <p>“(1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation <i>on any day during the session in which the resignation has been accepted by the President.</i></p> |
| <p>(2) A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:</p> | <p><i>Provided that a member may make such a statement at the earliest opportunity on a day not being more than seven days from the date of commencement of the session if the resignation was accepted by the President when the House was not in session.</i></p> |
| <p>Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Speaker and the Leader of the House one day in advance of the day on which it is made.</p> | <p>(2) A copy of the statement shall be forwarded to the Speaker and the Leader of the House <i>at least one day</i> in advance of the day on which it is made.</p> |
| <p>(3) There shall be no debate on such statement but after it has been made, a Minister may make a statement pertinent thereto.”</p> | <p>(3) There Shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto.”</p> |

ANNEXURE XXII

(See para 3 of Minutes dated 2-3-1969)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 43

SUBJECT: Amendment to rule 218—procedure regarding Appropriation Bill.

Sub-rule (2) of rule 218 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as under:—

“(2) At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at 17.00 hours on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted.”

2. In conformity with the provisions of article 114, Appropriation Bills are introduced in Lok Sabha immediately after the Demands for Grants to which they relate have been voted. On a written request made by the Minister-in-charge to the Speaker, the Bills are generally taken up for consideration and passing on the same day on which they are introduced.

The Business Advisory Committee allots time to the discussion and voting on the relevant Demands for Grants and no time is specifically allocated for consideration of the Appropriation Bill, which is generally passed without any discussion. Since members have already spoken during the course of discussion on the Demands

for Grants no need been felt to provide time separately for the Appropriation Bill in terms of sub-rule (2) of rule 218. There has been no instance during the last 30 years when the Speaker was required to allot time to an Appropriation Bill under this sub-rule. As such the procedure laid down in the sub-rule has become infructuous.

In view of the above, sub-rule (2) may be deleted.

3. The existing sub-rule (3) reads as follows:—

“(3) The Speaker may, if he thinks fit, prescribe a limit for speeches at all or any of the stages for which a day or days have been allotted under sub-rule (2).”

Since it is proposed to delete sub-rule (2), the words “at all or any of the stages for which a day or days have been allotted under sub-rule (2)”, may be omitted from sub-rule (2). The sub-rule (3) as modified may be placed after sub-rule (5).

4. The amendments are set out in appendix.

5. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1969.

ENCLOSURE

(See paras 2 and 3 of the Memo. No. 43)

| Existing rule | Amendment proposed |
|--|---|
| 218(2) At any time after the introduction, in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at 17.00 hours on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted. | May be deleted. |
| (3) The Speaker may, if he thinks fit, prescribe a time limit for speeches at all or any of the stages for which a day or days have been allotted under sub-rule (2). | (5) the Speaker may, if he thinks fit, prescribe a time limit for speeches. 218(4), 218(5) and 218(6) May be renumbered as 218(2), (3) and (4) respectively and sub-rule (3) as amended may be renumbered as sub-rule (5). |

ANNEXURE XXIII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 44

SUBJECT: *Amendment to rule 219 procedure regarding Finance Bill.*

Sub-rule (2) of rule 219 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as under:—

“(2) At any time after the introduction in the House of a Finance Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at 17.00 hours on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted:

Provided that if a Minister has a right of reply to the debate on the motion which is under discussion at 16.00 hours on that day and has not commenced his reply at that hour, the Speaker shall inquire how much time not exceeding one hour he requires for his reply, and shall call upon any member for the time being addressing the House to resume his seat at such time as will leave available before 17.00 hours the amount of time which the Minister has stated that he requires for his reply.”

2. In the established practice in regard to the passage of the Finance Bill which is prevalent in Lok Sabha, there has been no instance since 1964 when all the questions relating to the Finance Bill were put to the vote of the House at 17.00 hours neither the restriction imposed in its proviso was adhered to.

The restriction of putting all the questions at 17.00 hours as laid down in sub-rules (2) and (3) of Rule 219 requires change.

3. The exact amendments are set out in the Enclosure.

4. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1989.

ENCLOSURE

(Vide paras 2 and 3 of the Memorandum No. 44)

Statement showing proposed amendments to Rule 219

| Existing Rule | Modification proposed |
|--|--|
| 219(1)..... | No change. |
| (2) At any time after the introduction in the House of a Finance Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at 17.00 hours on the allotted day or the last of the allotted days, as the case may be forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted: | (2) At any time after the introduction in the House of a Finance Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House and when such allotment has been made, the Speaker may at the specified hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted: |
| Provided that if a Minister has a right of reply to the debate on the motion which is under discussion at 16.00 hours on that day and has not commenced his reply at that hour, the Speaker shall inquire how much time not exceeding one hour he requires for his reply, and shall call upon any member for the time being addressing the House to resume his seat at such time as will leave available before 17.00 hours the amount of time which the Minister has stated that he requires for his reply. | Provided that if a Minister has a right of reply to the debate on the motion which is under discussion and has not commenced his reply an hour before the specified hour on that day, the Speaker shall inquire how much time not exceeding one hour he requires for his reply, and shall call upon any member for the time being addressing the House to resume his seat at such time as will leave available before the specified hour the amount of time which the Minister has stated that he requires for his reply. |
| (3) Where the question or one of the questions required by sub-rule (2) to be put at 17.00 hours on the allotted day or the last of the allotted days is that the Bill be passed, sub-rule (2) shall have effect notwithstanding that amendments to the Bill have been made. | (3) Where the question or one of the questions required by sub-rule (2) to be put at the specified hour on the allotted day or the last of the allotted days is that the Bill be passed, sub rule (2) shall have effect notwithstanding that amendments to the Bill have been made. |
| 219(4), (5) and (6). | No change. |

ANNEXURE XXIV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 45

SUBJECT: *Amendment to rule 223 regarding notice of question of privilege.*

Rule 223 of the Rules of Procedure and Conduct of Business in Lok Sabha reads as under:—

“A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document”.

2. Direction 113B of the Directions by the Speaker, Lok Sabha, *inter alia* provides that notices of questions of privilege required to be given before the commencement of the sitting on the day on which the matter is proposed to be raised in the House, shall be given by 10.00 hours on that day. It also provides that such notices, if received after 10.00 hours, shall be treated as notices given for the next sitting.

3. Since the words “*before the commencement of the sitting*” on the day the question is proposed to be raised, used in rule 223 have been further qualified in direction 113B and it has been provided that the notice required to be given before the commencement of the sitting must be given by 10.00 hours on that day, the words

“before the commencement of the sitting on the day the question is proposed to be raised” may be substituted by the words “by 10.00 hours on the day on which the question is proposed to be raised.”

The following proviso may also be added to rule 223:—

“Provided that notices received after 10.00 hours shall be deemed to have been received at 10.00 hours on the next day on which the House sits.”

4. The amendments are set out in Enclosure.
5. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1989.

ENCLOSURE

(See para 4 of the Memorandum No. 45)

Existing Rule 223

Amendment Proposed

"A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

"A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General by 10.00 hours on the day on which the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.

Provided that notices received after 10.00 hours shall be deemed to have been received at 10.00 hours on the next day on which the House sits."

ANNEXURE XXV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 46

SUBJECT: *Amendment to rule 257 regarding resignation from Committee.*

Rule 257 lays down that a member may resign his seat from a Committee by writing under his hand addressed to the Speaker. It neither provides the date from which the resignation of a member from a Committee shall be effective nor lays down the format of the resignation letter. Rule 240 which provides for resignation of seats in the House is taken as a guide in such cases also.

2. It is suggested that the actual practice followed in this regard may be incorporated in the rule itself. Rule 257 may, therefore, be amended as shown in Enclosure.

3. The Committee may consider.

NEW DELHI;

Dated the 24th February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 46)

| Existing Rule | Amendment Proposed |
|---|---|
| "257. A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker." | "257. (1) A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker, in the following form: 'To The Speaker, Lok Sabha, New Delhi. Sir, I hereby tender my resignation from the membership of the Committee on with effect from Yours faithfully, Place..... Date..... (Name of the Member) (2) The resignation shall take effect from the date of resignation specified in the letter of resignation. (3) If the date from which the resignation should take effect is not specified in the letter, the resignation shall take effect from the date of the letter. (4) If the letter of resignation does not bear any date, the resignation shall take effect from the date of receipt of the letter in the Lok Sabha Secretariat." |

ANNEXURE XXVI

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—J)

RULES COMMITTEE

MEMORANDUM NO. 47

SUBJECT: *Amendment to rule 309(1) regarding constitution of Committee on Public Accounts.*

Rule 309(1) of the Rules of Procedure and Conduct of Business in Lok Sabha, lays down:

“309(1) The Committee shall consist of not more than fifteen members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:

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

2. The Public Accounts Committee is a Committee of Lok Sabha. It consists of 22 members—15 members of Lok Sabha and 7 members from Rajya Sabha are associated with the Committee.

3. The association of seven members of Rajya Sabha with the Public Accounts Committee of Lok Sabha was originally approved by Lok Sabha at its sitting held on the 24th December, 1953 when the House adopted the motion, moved by the Prime Minister on the 12th May, 1953, that Rajya Sabha agree to nominate seven members of that House on the Committee of 1953-54. Rajya Sabha members,

however, actually came to be associated with the Committee for the first time in the year 1954-55 consequent upon the adoption of a motion moved in the Lok Sabha by the Minister of Parliamentary Affairs on the 10th May, 1954, and concurred in by Rajya Sabha on the 13th May, 1954.

4. Since then a motion for nomination of seven members by Rajya Sabha is moved in Lok Sabha every year (at the time of the motion for election of members from Lok Sabha to serve on this Committee) by the Chairman of the outgoing Committee or by the Minister of Parliamentary Affairs as the case may be, as follows:

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Accounts of the House for the term beginning on..... and ending on....., and do communicate to this House the names of the members so nominated by Rajya Sabha."

5. Rule 309(1) at present by worded does not actually reflect the factual position regarding constitution and composition of the Committee and may therefore, be suitably amended to incorporate the factual position concerning the strength of the Committee and provision made for association of the members of Rajya Sabha with the Committee as proposed in Enclosure.

6. The Committee may consider.

NEW DELHI;

Dated the 24th February, 1969.

ENCLOSURE

(See Para 4 of the Memorandum No. 47)

Amendments proposed in the Rules of Procedure and Conduct of Business in Lok Sabha

| Existing Rule | Amendments proposed |
|--|--|
| <p>309(1) The Committee shall consist of not more than fifteen members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote :</p> <p>Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.</p> | <p>309(1). The Committee shall consist of not more than 22 <i>members comprising</i> 15 members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote <i>and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee :</i></p> <p>Provided that a Minister shall not be elected a member of the Committee and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.</p> |

ANNEXURE XXVII

(See para 3 of Minutes dated 2-3-1980).

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—I)**

RULES COMMITTEE

MEMORANDUM NO. 48

SUBJECT: Amendment to rule 312B regarding constitution of Committee on Public Undertakings.

Amendment to rule 312B (1)

Rule 312 B (1) of the Rules of Procedure and Conduct of Business in Lok Sabha provides as follows:—

“312B(1). The Committee shall consist of not more than fifteen members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:

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

2. At present, the Committee on Public Undertakings consists of 22 members—15 members are elected from Lok Sabha and 7 members of Rajya Sabha are nominated by that House to associate with the Committee.

3. It may be stated in this connection that on 24 November, 1961, when the motion for constitution of the Committee was moved in Lok Sabha, it provided for the constitution of a Joint Committee on State Undertakings, with ten members from the Lok Sabha and

five from the Rajya Sabha. The motion, was however, not pursued as objections, both from procedural and constitutional point of view, were raised by members. After taking into consideration the various objections raised by members in both the Houses, the Government on 21 September, 1963 moved in Lok Sabha two revised motions for the constitution of the Committee. In the first motion which provided for the constitution of a Committee, the words '*Joint Committee on State Undertakings*' were substituted by the words '*a Committee of this House called the Committee on Public Undertakings*'. In the second motion, a specific request was made to the Rajya Sabha to 'agree to nominate five members to associate with this Committee'. Both these motions were adopted by the Lok Sabha on 20 November, 1963.

The strength of the Committee on Public Undertakings constituted on 1-5-1974 for the year 1974-75 was raised from 15 to 22 members, of whom 15 were to be from Lok Sabha and 7 from Rajya Sabha.

4. As regards nomination of Rajya Sabha members on the Committee, following motion is moved in Lok Sabha every year, alongwith the motion for election of members of Lok Sabha to serve on this Committee, by the Chairman before the expiry of the term of the outgoing Committee or by the Minister of Parliamentary Affairs at the commencement of new Lok Sabha after the general elections:—

“That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Undertakings of the House for the term beginning on———
———and ending on——— and to communicate to this House the names of the members so nominated by Rajya Sabha.”

5. Rule 312B(1) as presently worded does not reflect the actual position regarding constitution and composition of the Committee as mentioned above. The Rule may, therefore, be amended suitably.

Amendment of Rule 312B(2)

6. Rule 312B(2) of the Rules of Procedure and Conduct of Business in Lok Sabha lays down:—

“312B(2). The term of office of members of the Committee shall not exceed one year:

Provided that the members of the Committee constituted for the first time shall hold office for the duration of the Third Lok Sabha.”

7. As provided in the rule itself, the tenure of the members of the Committee, constituted for the first time on 1 May, 1964 was for the duration of the Third Lok Sabha. Since the commencement of the Fourth Lok Sabha, the term of office of members of the Committee has not exceeded one year. The proviso to rule 312B(2), therefore, appears redundant and may be deleted.

Amendment of Fourth Schedule (List of Public Undertakings)

The Fourth Schedule of the Rules of Procedure and Conduct of Business in Lok Sabha specifies the Public Undertakings which come under the purview of the Committee on Public Undertakings. Part I of this Schedule mentions the names of Public Undertakings established by Central Acts. Entry 11 of Part I of Fourth Schedule refers to the 'Agricultural Refinance Corporation of India.'

In terms of provisions of sub-section (1) of Section 3 of the National Bank for Agriculture and Rural Development Act, 1981 (Act 61 of 1981), the National Bank for Agriculture and Rural Development (NABARD) has been established. Under Sections 16 & 17 of this Act, the entire undertaking of the Agricultural Refinance Corporation of India stands transferred to and vested in the National Bank for Agriculture and Rural Development and the Agricultural Refinance Corporation of India stands dissolved as a separate undertaking. The National Bank for Agricultural and Rural Development has not so far been brought under the purview of the Committee on Public Undertakings. As Agricultural Refinance Corporation of India has since been dissolved, it is suggested that the existing Entry 11 in Part I of the Fourth Schedule may be omitted.

9. Besides, the names of a few undertakings mentioned in Part I and Part III of the Fourth Schedule have since been changed. The correct names of the Public Undertakings have been shown in the proposed amendments to the Fourth Schedule.

10. The precise amendments are set out in Enclosure.

11. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1980.

ENCLOSURE

(See Para 3 of Memorandum No. 42)

| Existing Rule | Amendments proposed |
|---|--|
| <p>312B(1). The Committee shall consist of not more than fifteen members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:</p> | <p>312B(1). The Committee shall consist of not more than 22 members comprising 15 members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee:</p> |
| <p>Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from date of such appointment.</p> | <p>Provided that a Minister shall not be elected a member of the Committee and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.</p> |
| <p>312B(2). The term of office of members of the Committee shall not exceed one year:</p> | <p>The proviso to this sub-rule may be deleted.</p> |
| <p>Provided that the members of the Committee constituted for the first time shall hold office for the duration of the Third Lok Sabha.</p> | |
| <p>Fourth Schedule</p> | <p>(i) In Part I, entry 11 may be omitted and entry 12 may be renumbered as 11.</p> <p>(ii) In Part I, the names of undertakings at Sl. Nos. 2, 3, 4 and 5 may be amended as follows:—</p> <ol style="list-style-type: none">1. ** ** **2. The Industrial Finance Corporation of India.3. The Indian Airlines.4. The Air India.5. The Life Insurance Corporation of India. <p>(iii) In Part III, the names of the undertakings at Sl. Nos. 1 and 4 may be amended as:</p> <ol style="list-style-type: none">1. Hindustan Aeronautics Ltd., Bangalore.2. ** ** **3. ** ** **4. Garden Reach Shipbuilders and Engineers Ltd., Calcutta. |

ANNEXURE XXVIII

(See para 3 of Minutes dated 2-3-1989)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—I)**

**RULES COMMITTEE
MEMORANDUM NO. 49**

SUBJECT: *Amendment to rule 331B regarding Constitution of Committee on the Welfare of Scheduled Castes and Scheduled Tribes.*

Amendment to Rule 331B(1)

Rule 331B(1) of the Rules of Procedure and Conduct of Business in Lok Sabha provides as follows:—

“331B(1). The Committee shall consist of not more than twenty members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:

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

2. At present, the Committee on the Welfare of Scheduled Castes and Scheduled Tribes consists of 30 members—20 members are elected from Lok Sabha and 10 members are nominated from Rajya Sabha to associate with the Committee.

3. As regards nomination of Rajya Sabha members on the Committee, the following motion is moved in Lok Sabha every year, alongwith the motion for election of members of Lok Sabha to serve on this Committee by the Chairman before the expiry of the term of the outgoing Committee or by the Minister of Parliament-

ary Affairs at the commencement of new Lok Sabha after the general elections:—

“That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate ten members from Rajya Sabha to associate with the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of the House for the term beginning on _____ and ending on _____ and do communicate to this House the names of the members so nominated by Rajya Sabha.”

4. Rule 331B(1) at present does not actually reflect the factual position regarding constitution and composition of the Committee. Rule 331B(1) may, therefore, be amended suitably to incorporate therein the actual practice developed over the years with regard to the constitution of the Committee and also for providing in the rules the association of the members of Rajya Sabha with the Committee (as shown in Enclosure).

Amendment to Rule 331B(2)

5. Rule 331B(2) of the Rules of Procedure and Conduct of Business in Lok Sabha lays down:

“331B(2). The term of office of members of the Committee shall not exceed one year:

Provided that the members of the Committee constituted in pursuance of the motion adopted by the House on the 13th August, 1973, shall hold office for a period of two years from the date of the first meeting of that Committee.”

6. As provided in the rule itself, the tenure of the members of the Committee constituted in pursuance of the motion adopted by the House on 13th August, 1973, was for a period of two years from the date of the first meeting of that Committee. However, since 1976, the term of office of the members of the Committee has not exceeded one year. The proviso to Rule 331B(2), therefore appears redundant and may be deleted.

7. The Committee may consider.

NEW DELHI;

Dated the 24th February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 49)

Amendments proposed in the Rules of Procedure and Conduct of Business in Lok Sabha

| Existing Rule | Amendment proposed |
|---|--|
| <p>331B(1). The Committee shall consist of not more than twenty members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:</p> <p>Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.</p> | <p>The Committee shall consist of not more than 30 <i>members comprising</i> 20 members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote <i>and not more than 10 members of Rajya Sabha to be nominated by that House for being associated with the Committee:</i></p> <p>Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.</p> |
| <p>331B(2) The term of office of members of the Committee shall not exceed one year:</p> <p>Provided that the members of the Committee constituted in pursuance of the motion adopted by the House on the 13th August, 1973, shall hold office for a period of two years from the date of the first meeting of that Committee.</p> | <p>The proviso to this sub-rule may be deleted.</p> |

ANNEXURE XXIX

(See para 3 of Minutes dated 2-3-1989)

**LOK SABHA SECRETARIAT
RULES COMMITTEE**

MEMORANDUM NO. 50

SUBJECT: *Amendments to rules 349 and 352 regarding 'Rules to be observed by members in House' and 'Rules to be observed while speaking'.*

Rules 349 and 352 of the Rules of Procedure and Conduct of Business in Lok Sabha provide for 'Rules to be observed by members in House' and 'Rules to be observed while speaking' respectively. The observations made by the Chair in the House on the subject from time to time, may also be added to these rules.

2. Sub-rule (ix) of rule 349 reads as follows:—

“(ix) shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the House.”

It is suggested that the words 'when speeches are being made in the House' may be substituted by 'when another member is speaking'.

3. Sub-rule (xi) of rule 349 may be deleted from this rule and inserted in rule 352 since it relates more appropriately to that rule.

4. The precise amendments are set out in Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1989

ENCLOSURE

(See para 4 of the Memorandum)

| Existing Rule | Amendment Proposed | |
|---|---|--|
| 349 (i) to (viii) | No change. | Rule to be observed by members in House. |
| (ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the House. | (ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another member is speaking. | |
| (x) | No change. | |
| (xi) shall not while speaking make any reference to the strangers in any of the Galleries. | May be deleted and included in rule 352. | |
| | <i>Fresh Matter to be added</i> | |
| | (xi) shall not shout slogans in the House; | |
| | (xii) shall not sit or stand with his back towards the Chair; | |
| | (xiii) shall not approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary; | |
| | (xiv) shall not wear or display badges of any kind in the House; | |
| | (xv) shall not bring or display arms in the House; | |
| | (xvi) shall not display flags, emblems or any exhibits in the House; | |
| | (xvii) shall not leave the House immediately after delivering his speech; | |
| | (xviii) shall not distribute within the precincts of Parliament House. | |

| Existing Rule | Amendment Proposed |
|--|--|
| | any literature, questionnaire, pamphlets, press notes, leaflets etc. not connected with the business of the House; |
| | (xix) shall not place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms; |
| | (xx) shall not carry walking stick into the House unless permitted by the Speaker on health grounds; |
| | (xxi) shall not tear off documents in the House in protest; |
| | (xxii) shall not bring or play cassette or tape recorder in the House; |
| | (xxiii) shall avoid talking or laughing in Lobby loud enough to be heard in the House. |
| <i>Rules to be observed while speaking.</i> | |
| 352(i) | No change |
| (ii) make a personal charge against a member . | (ii) make personal reference by way of making an allegation imputing a motive to or questioning the <i>bona-fides</i> of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto. |
| (iii) to (viii) | No change. |
| | <i>Fresh matter to be added</i> |
| | (ix) make any reference to the strangers in any of the galleries; |
| | (x) refer to Government officials by name; |
| | (xi) read a written speech except with the previous permission of the Chair. |

ANNEXURE XXX

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 51

SUBJECT: *Amendment to rule 353 relating to procedure regarding allegation against any person.*

Rule 353 (Appendix) of the Rules of Procedure and Conduct of Business in Lok Sabha provides that a member shall not make an allegation of a defamatory or incriminatory nature unless he has given previous intimation to the Speaker and also to the Minister.

2. In the meeting of Speaker with Leaders of Party and Groups held on 18th July, 1980 which considered the procedure for making allegations in the House, it was agreed that it was not enough for a member merely to give notice to the Speaker in general terms before making allegations in the House. For this purpose, it was necessary that before making allegations in the House, the member concerned should ensure the following:—

- (i) The member should give adequate advance notice to the Speaker and the Minister concerned;
- (ii) The details of the charges sought to be levelled should be spelt out in precise terms and should be duly supported by the requisite documents, which should be authenticated by the member;
- (iii) The member should before making the allegations in the House satisfy himself after making enquiries that there is a basis for the allegations;
- (iv) The member should be prepared to accept the responsibility for the allegations; and

(v) The member should be prepared to substantiate the allegations.

3. It is, however, seen that generally intimation is not given by members sufficiently in advance. Members also do not indicate the basis for making allegations nor do they mention that they are prepared to accept the responsibility for the allegation. Consequently, it becomes necessary to write to the members again to furnish the above information. Ministers also do not get enough time to enquire into the allegations and collect the facts for a suitable reply.

4. It is, therefore, suggested that the words 'previous intimation' in the existing rule may be substituted by the words 'adequate advance noticed.'

5. The amendments are set out in the Enclosure.

6. The Committee may consider.

NEW DELHI;

Dated the 24th February, 1989.

ENCLOSURE

(See para 5 of Memo. No. 51)

Existing Rule

Amendments proposed

Procedure regarding allegation against any person.

"353. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

"353. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given *adequate advance notice* to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

ANNEXURE XXXI

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 52

SUBJECT: *Amendment to rule 367(3) (b) regarding increase in the duration of ringing of the division bells.*

The Rules Committee at its sitting held on 28 October, 1978 concurred with the recommendation made by the General Purposes Committee at their sitting held on 14 August, 1978 regarding the increase in the duration of ringing of the division bells from 2 minutes and 45 seconds to 3 minutes and 30 seconds because the time of 2 minutes and 45 seconds was considered inadequate for members to reach the Chamber in time to participate in the Division. The Committee also agreed to amend rule 367(3) (b), accordingly.

2. The proposed amendment was to become effective only after the relevant report of the Rules Committee was presented to the House and the procedure laid down in rule 331 was gone through.

3. Pending enforcement of the amendment of the relevant rule, duration of the ringing of the division bells was increased with effect from the commencement of 6th Session of 6th Lok Sabha by Speaker. This was also mentioned at the meeting of Leaders of Party/Groups with the Speaker on 19 November, 1978.

4. The amendment to rule 367(3) (b), however, could not be given effect to as the Report of the Rules Committee was not presented to the House due to dissolution of 6th Lok Sabha on 22 August, 1979.

5. Since the duration for which the division bell is rung is more than the time laid down in rule 367(3) (b), the rule may be amended so as to be in conformity with the actual position.

The Committee may consider.

New Delhi;

Dated the 24 February, 1989

ENCLOSURE

| Existing Rule | Amendment Proposed |
|--|--|
| <p>§ 67 (3) (b)</p> <p>After the lapse of two minutes he shall put the question second time and declare whether in his opinion the 'Ayes' or the 'Noes' have it.</p> | <p>After the lapse of <i>three minutes and thirty seconds</i> he shall put the question second time and declare whether in his opinion the 'Ayes' or the 'Noes' have it.</p> |

ANNEXURE XXXII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 53

SUBJECT: *Amendment to rule 377 regarding raising a matter which is not a point of order.*

Rule 377 reads as under:—

“A member who wishes to bring to the notice of the House any matter which is not a point of order, shall give notice to the Secretary-General in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.”

2. It is proposed that a self contained rule (rule 377A) may be added setting down the conditions of admissibility of such notices in order to make the relevant provisions more specific and self contained.

3. The procedure for raising matters under rule 377 has since undergone some change in so far as the time for tabling such notices and their validity have been specified under orders of the Speaker to enable all members wishing to raise such matters to get an even chance, in proportion of course, to the strength of their respective parties in the House. The practice may be incorporated under a separate rule (rule 377B).

4. In conformity with the extent practice as approved by the Speaker, it is proposed to add yet another rule (rule 377C) laying

down the restriction of not more than one matter per member per week and the further restriction that only the text approved by the Speaker shall go on record.

The precise amendments proposed in pursuance of paragraphs 2—4 above, are set out in Enclosure.

5. Presently, matters under rule 377 are not raised on a day (usually Fridays) when the Minister of Parliamentary Affairs makes a statement in the House regarding the Government business for the following week. Members are allowed to make submissions on that day intended to bring to the notice of the House, particularly the Minister of Parliamentary Affairs, the need to provide time for discussion of a matter of general public interest which might otherwise not get priority on account of constraints of time. A member is allowed to make two submissions on a day not exceeding fifty words each. However, experience of past few years has shown that 'Submissions' are not in any way different from matters sought to be raised under rule 377. The Minister of Parliamentary Affairs gives a routine reply that he would place them before the Business Advisory Committee and there the matter ends.

It is therefore suggested that the procedure of allowing members to make submissions on the Minister's statement regarding Government Business for the following week might be dispensed with and matters under rule 377 allowed to be raised on all days of the week on which the House sits.

6. At present, the relevant proceedings regarding matters raised under Rule 377 are sent to the Ministers concerned on the working day following the day on which the matters are raised for reply direct to the members concerned, under intimation to this Secretariat. The Ministry of Parliamentary Affairs coordinates and keeps a watch over the progress of replies sent by Ministers to the members. It also reminds the Ministries periodically in this respect.

7. The Ministry of Parliamentary Affairs, in their U.O. note of 19th January, 1989, have *inter alia* stated as under:—

“* * * * *

While forwarding extracts of the matters raised under rule 377 in Lok Sabha or by way of Special Mentions in Rajya Sabha, the Lok/Rajya Sabha Secretariats do not indicate any time limits for sending replies to the members. At the sitting of Business Advisory Committee of Lok Sabha held on 20th March, 1978, Shri Vasant Sathe, M.P. raised

the issue that important matters raised by members under Rule 377 were not being properly responded to by the concerned Ministries. Thereupon, the then Speaker observed that the Minister of Parliamentary Affairs might appropriately send communications to the members who raised matters under Rule 377 within one week of the matter being raised in the House.

* * * * *

Lok Sabha Secretariat would kindly agree that the time limit of one week is too short to send replies to the members. Sometimes, even the extracts of the matters do not reach concerned sections in the Ministries within one week. It is, therefore, felt that there should be some reasonable time limit for sending replies to the members in respect of matters raised under Rule 377.

Accordingly, it is requested that the Hon'ble Speaker may be moved to raise the time limit for sending replies to the members in respect of matters raised under rule 377, to at least one month if not more."

The Committee may consider.

NEW DELHI;

Dated the 24th February, 1989.

ENCLOSURE

Existing matter Rule 377

Amendments proposed

1

2

377. A member who wishes to bring to the notice of the House any matter which is not a point of order shall give notice to the Secretary-General in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.

377. A member who wishes to bring to the notice of the House a matter which is not a point of order, shall give notice in writing to the Secretary-General specifying clearly and precisely the text of the matter to be raised. The member shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.

Raising a matter which is not a point of order

377A. In Order that a notice may be admissible it shall satisfy the following conditions :— Conditions of admissibility

- (i) it shall not refer to a matter which is not primarily the concern of the Government of India;
- (ii) it shall not relate to a matter which has been discussed in the same session or which is substantially identical to the matter already raised by a member under this rule during the session;
- (iii) it shall not exceed 250 words;
- (iv) it shall not raise more than one issue;
- (v) it shall not contain arguments inferences, ironical expressions imputations, epithets or defamatory statements; and
- (vi) it shall not refer to proceedings of a parliamentary/consultative committee.

377B. Notices received during a week commencing from its first sitting till 10.00 hours on the last day of the week on which the House sits shall be valid for that week.

Time for tabling notices and their validity.

1

2

- (ii) Notices received after 10.00 hours on the last day of the week on which the House sits shall be valid for the next week. Notices received after 10.00 hours and upto 10.30 hours on that day shall be deemed to have been received at the same point of time and these shall be balloted to determine the *inter se* priority of members. Notices received subsequently shall be arranged in accordance with the date and time of their receipt.
- (iii) Notices not selected during the week for which they have been tabled, shall lapse at the end of the week:

Provided that a notice referred for facts under order of the Speaker shall not lapse till it is finally disposed of.

377C. (i) No Member shall raise more than one matter during a week.

Restriction
on raising
matters.

(ii) Only the text approved by the speaker shall go on record.

ANNEXURE XXXIII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 54

SUBJECT: *Amendment to direction 2 of the Directions by the Speaker regarding relative precedence of different classes of business before the House.*

Direction 2 deals with the relative precedence of different classes of business transacted in the House.

2. The above direction was last amended in August, 1987. By virtue of the amendment, the relative precedence of Calling Attention item was refixed after certain formal items including statements by Ministers. This was done on persistent representations made by Chairmen of Parliamentary Committees and Ministers.

3. The following items of business which are frequently required to be included in the list of business have not been mentioned in the aforesaid Direction:—

- (i) Introduction of Ministers.
- (ii) Announcements by H.S. regarding vacation of seats of members other than resignation.
- (iii) Laying of Minutes of sittings of Committees.
- (iv) Motion for election of Speaker and Deputy Speaker.
- (v) Presentation of Railway Budget/Budget in respect of a State under President's Rule.
- (vi) Presentation of Supplementary/Excess Demands for Grants (General, Railways and in respect of a State under President's Rule).

However, under instructions of the Speaker, these items are placed on the Agenda alongwith similar class of business listed for

a particular day. It is felt that the above items may now be formally incorporated in direction 2. |

In so far as the presentation of Railway Budget/Budget in respect of a State under President's Rule and presentation of Supplementary/ Excess Demands for Grants etc. are concerned, these may be placed after Calling Attention item since the Minister concerned may like to read out the Budget speech or explain the main features of the Budget, and this may take some time.

4. Apart from above, the following formal items of business which generally do not take much time may also be placed before Calling Attention item:—

(i) Motions for elections to Committees.

(ii) Motions for extension of time for presentation of reports of Committees. |

5. A tabular statement indicating the existing precedence of various classes of business and the changes proposed therein is placed below (see enclosure).

6. The Committee may consider.

NEW DELHI;

Dated 24 February, 1969

ENCLOSURE

Statement showing existing precedence of various classes of business and proposed precedence of classes of business

Existing Direction

Amendment proposed

Relative precedence of different classes of business

2. Unless the Speaker otherwise directs on any particular occasion, the relative precedence of the classes of business before the House specified below shall be in the following order, namely :—

- (i) Oath or affirmation.
- *(ii) President's Address to both Houses of Parliament, to be laid on the Table.
- (iii) Obituary references
- (iv) Questions (including short notice questions).
- (v) Leave to move motions for adjournment of the business of the House.
- (vi) Questions involving a breach of privilege.
- (vii) Papers to be laid on the Table.
- (viii) Communications of messages from the President.
- (ix) Communication of messages from the council of States.
- (x) Intimation regarding President's assent to Bills.
- (xi) Communications from magistrates or other authorities regarding arrest or detention or release of members of the House.
- (xii) Announcements by the Speaker regarding leave of absence of members from the sittings of the House.

2. Unless the Speaker otherwise directs on any particular occasion, the relative precedence of the classes of business before the House specified below shall be in the following order, namely :—

- (i) Oath or affirmation.
- * (ii) Laying of President's Address to both Houses of Parliament.
- (iii) Introduction of Ministers.
- (iv) Obituary references.
- (v) Questions (including short notice questions).
- (vi) Leave to move motions for adjournment of the business of the house.
- (vii) Questions involving a breach of privilege.
- (viii) Papers to be Laid on the Table.
- (ix) Communication of messages from the President.
- (x) Communication of messages from the Rajya Sabha.
- (xi) Intimation regarding President's assent to Bills.
- (xii) Communications from magistrates or other authorities regarding arrest or detention or release of members of the House.

*Inserted vide Bn. Part II, dated 26-3-1974 (Para No. 1666).

- | | |
|---|---|
| (xiii) Announcements by the Speaker regarding various matters, e.g. resignations of members of the House, nominations to Panel of Chairmen, Committees etc. | (xiii) Announcements by the Speaker regarding leave of absence of members from the sittings of the House. |
| (xiv) Rulings by the Speaker. | (xiv) Announcements by the Speaker regarding various matters, e.g. resignations of members of the House, vacations of seats of members, nominations to Panel of Chairmen, Committees etc. |
| (xv) Presentation of reports of Committees. | (xv) Rulings by the Speaker. |
| (xvi) Laying of evidence before Select/Joint Committees on Bills. | (xvi) Presentation of reports of Committees/Laying of minutes of sittings thereof etc. |
| (xvii) Presentation of Petitions. | (xvii) Laying of evidence tendered before Select/Joint Committees on Bills. |
| (xviii) Statements by Ministers. | (xviii) Presentation of petitions. |
| ** (xix) Calling Attention Notices. | (xix) Statements by Ministers. |
| (xx) Personal statements by ex-Ministers in explanation of their resignation. | (xx) Motions for elections to committees. |
| (xxi) Statements under Direction 115. | (xxi) Motions for extension of time for presentation of reports of Committees. |
| (xxii) Personal explanations under rule 357 (if not made during the debate) | (xxii) Calling Attention Notices. |
| (xxiii) Motions for elections to Committees. | (xxiii) Personal statements by ex-Ministers in explanation of their resignation. |
| (xxiv) Motions for extension of time for presentation of reports of Select/Joint Committees on Bills. | (xxiv) Statements under Direction 115. |
| (xxv) Motions for adoption of reports of Business Advisory Committee. | (xxv) Personal explanations under rule 357 (if not made during the debate). |
| (xxvi) Motions for leave to move Resolution for removal of Speaker/ Deputy Speaker. | (xxvi) Motions for adoption of reports of Business Advisory Committee. |
| (xxvii) Motion for leave to make a motion of no-confidence in the Council of Ministers. | (xxvii) Motions for election of Speaker and Deputy Speaker. |
| (xxviii) Bills to be withdrawn. | (xxviii) Motions for leave to move Resolution for removal of Speaker/Deputy Speaker. |

- (xxix) Bills to be introduced. .
- (xxx) Laying of explanatory statements giving reasons for immediate legislation by Ordinances.
- (xxxi) Raising of matters under rule 377 which are not points of order.
- (xxxii) Consideration of reports of Committee of Privileges.
- (xxxix) Motion for leave to make motion of no-confidence in the Council of Ministers.
- (xxx) Presentation of Railway Budget/ Budget in respect of a State under President's Rule.
- (xxxi) Presentation of Supplementary/Excess Demands for Grants (General, Railways and in respect of a State under President's Rule.)
- (xxxii) Bills to be withdrawn.
- (xxxiii) Bills to be introduced.
- (xxxiv) Laying of explanatory statements giving reasons for immediate legislation by Ordinances.
- (xxxv) Raising of matters under rule 377, which are not points of order.
- (xxxvi) Consideration of reports of Committee of Privileges.
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ANNEXURE XXXIV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH—I)

RULES COMMITTEE

MEMORANDUM NO. 55

SUBJECT: *Amendment to direction 8 regarding treatment of notices of next motions and arrangement of business.*

Direction 8 of the Directions by the Speaker Lok Sabha dealing with treatment of notices of next motions and arrangement of business reads as follows:—

“8. (1) A week before the day fixed for the ballot of Private Members' Bills, members shall be informed through Bulletin—Part II that they should send their notices of next motions which they intend to make in regard to their pending Bills, so as to enable their Bills being included in the list of business.

(2) In cases where notices of next motions are received after the list of business for the first of the two allotted days has been finalised, Bills in respect of which such notices are received may be included in the list of business for the next allotted day at their appropriate places as determined by the ballot held in respect of the two days.”

2. According to the present practice members are requested to give notices of next motions in respect of their Bills if their Bills have secured a place amongst the first twenty Bills in the ballot of private members' bills. Members whose Bills fail to secure a place amongst the first twenty Bills in the ballot are not required to give notice of the next motion.

3. The existing Direction 8(1) may be amended accordingly. The amendment suggested is set out in the Enclosure.

4. The Committee may consider.

NEW DELHI;

Dated: 24-2-1989

ENCLOSURE

(See para 3 of Memo. No. 55)

[Statement showing the amendment proposed to Direction 8 of the Directions by the Speaker Lok Sabha relating to treatment of notices of next motions and arrangement of business.]

Existing Sub-Direction (1) of Direction 8

Proposed amendment to Sub-Direction (1) of Direction 8

8. (1) A week before the day fixed for the ballot of private members' Bills, members shall be informed through Bulletin—Part II that they should send their notices of next motions which they intend to make in regard to their pending Bills, so as to enable their Bills being included in the list of business.

8. (1) After the result of ballot has been published in Bulletin—Part II, notices of next motions in regard to Bills as have secured a place among the first twenty Bills in the ballot of private members' bills, shall be given by the members concerned by the dates specified in Bulletin so as to enable their Bills being included in the list of business.

ANNEXURE XXXV

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH-I)

RULES COMMITTEE MEMORANDUM NO. 56

SUBJECT: *Insertion of new direction 48A regarding elections to Committees.*

Direction 96A provides that elections to the three Financial Committees, viz., Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings, shall be held in accordance with the regulations made by the Speaker for holding of elections to Committees by means of the single transferable vote. Likewise, the manner of election of members to Government Committees on which Lok Sabha is represented, had been provided for in direction 108A.

2. Members of Lok Sabha are also required to be elected to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and Joint Committee on Offices of Profit by means of single transferable vote. Members are also required to be similarly elected to *Ad hoc* Parliamentary Committees, e.g. the Joint Committee on Bofors Contract. There is, however, no direction which regulates the elections to these Committees.

3. Election to all Committees—Government as well as Parliamentary including the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Joint Committee on Offices of Profit and *Ad hoc* Committees—motion for which provides for election of members by means of single transferable vote are held in accordance with the regulations made by the Speaker in that regard.

4. It is accordingly proposed that the manner of election to all Parliamentary Committees may be provided for in a single direction (direction 48A) and existing direction 96A which only deals with Financial Committees, may be omitted. The precise amendments are set out in Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated the 24 February, 1989.

ENCLOSURE

(See para 4 of Memorandum No. 56)

*"48A. Elections to Parliamentary Committee shall be held in accordance with the regulations made by the Speaker for holding of elections to Committees by means of the single transferable vote."

Manner
of elec-
tion to
Commis-
sion.

***96A. Elections to the Committee on Estimates, the Committee on Public Accounts and the Committee on Public Undertakings, as provided in rules 311(1), 309(1) and 312B(1), respectively, shall be held in accordance with the regulations made by the Speaker for holding of elections to Committees by means of the single transferable vote."

Manner
of elec-
tion to
Financial
Com-
mission.

*To be inserted as new Direction.

**To be omitted.

ANNEXURE XXXVI

(See para 3 of Minutes dated 2-3-1989)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)**

**RULES COMMITTEE
MEMORANDUM NO. 57**

SUBJECT: *Amendment to Direction 100 regarding examination of representatives of private companies or non-Government Bodies by Financial Committees.*

To bring uniformity in the format of Directions issued by the Speaker, the following amendments are suggested to direction 100:—

*For "where the Committee on Estimates/Public Accounts/
Public Undertakings"*

Substitute "where the Committee on Estimates or the Committee on Public Accounts or the Committee on Public Undertakings"

2. The proposed format is also being used in directions 97, 97A and 99. The same format has also been suggested for direction 102.

3. The Committee may consider.

New Delhi:

Dated : 24 February, 1989.

ANNEXURE XXXVII

(See para 3 of Minutes dated 2-3-1989)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)**

**RULES COMMITTEE
MEMORANDUM NO. 58**

SUBJECT: *Amendment to direction 102 regarding action taken on recommendations of Financial Committees.*

Direction 102 of the Directions by the Speaker provides:

"102(1). Government shall, as early as possible, after the presentation of the report of the Committee on Estimates or the Committee on Public Undertakings, furnish the Committee, in the first instance, with a statement showing action taken on the recommendations contained in the report. The statement shall contain the views of Government on all the recommendations including those which are accepted by Government.

(2). As early as possible after the receipt of the replies, the Committee shall consider them and finalise their views as to whether the replies are acceptable to them or not. In respect of the replies to recommendation which are not accepted by the Government, the Committee may express their own views, in case they do not accept the replies of Government. Thereafter, the Committee shall lay a statement on the Table of the House in order to inform the House of the action taken on the original recommendations made by the Committee. The statement shall consist of three parts as follows:

Part I—Showing the recommendations accepted by Government;

Part II—Showing the replies of Government which, though differing from the recommendations, have been accepted by the Committee; and

Part III—Showing the cases where the Committee's recommendations are not acceptable to the Government and the replies of the Government are also not acceptable to the Committee."

2. Direction 102(2) at present provides for laying a statement on the Table of the House to inform the House of the action taken on the original recommendations by the Estimates Committee and the Public Undertakings Committee. This provision may be applied to the Public Accounts Committee as well and the Direction amended accordingly.

At present, action taken reports on the recommendations contained in the Original Reports are presented to the House by all the three Financial Committees. These Reports are divided into the following five chapters:—

- I. Report;
- II. Recommendations/Observations which have been accepted by Government;
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply;
- IV. Recommendations/Observations replies to which have not been accepted by the Committee; and
- V. Recommendations/Observations in respect of which final replies of Government are still awaited.

3. As the Action Taken Reports of all the Financial Committees are now being presented in the form stated above, it is suggested that direction 102(2) may be amended to incorporate—(i) the actual practice of presenting an action taken Report instead of laying a statement and (ii) classification of chapters approved by the Committee. Reference to the Public Accounts Committee may also be incorporated.

4. The precise amendments proposed in direction 102 are set out in *Appendix*.

Laying of statements of Action Taken Notes on the recommendations contained in the Action Taken Reports [insertion of new clause (3) in direction 102]

5. Prior to 1977, Action Taken Reports on the recommendations contained in the Original Reports of the Public Accounts Committee

used to be forwarded to the Ministries/Departments concerned for implementation. Further action taken notes on the recommendations contained in the Action Taken Reports were neither placed before the Committee nor before the Chairman for information/consideration. On receipt, these action taken notes used to be recorded and kept in the Branch.

6. The Committee on Public Accounts at their sitting held on 6 December, 1977 considered the Chairman's suggestion that in future all replies received from Government in respect of recommendations contained in Chapters I and V of the Action Taken Reports might be laid on the Table of the House after approval by him. This was to enable the Committee to share with Parliament the information received from Government. The Committee approved the proposal. Since then replies received from the Government in respect of recommendations contained in Chapters I and V of the Action Taken Reports are laid on the Table of the House.

7. According to the Practice prevalent upto 1987, after presentation of the Action Taken Reports of the Committee on Public Undertakings, if any notes/replies were received from the Government in regard to recommendations included in Chapters I to IV of the Action Taken Report, such replies used to be put up to the Chairman for information. Replies of Government in respect of recommendations to which no replies were received or only interim replies were received at the time of finalisation of Action Taken Reports were included in Chapter V of the Action Taken Report and consolidated report-wise in the form of a statement. The consolidated statement of replies, after approval by the Chairman, used to be laid on the Table of the House for the information of members.

8. However, on 18 August, 1987, Chairman, Committee on Public Undertakings directed that a statement of replies to all the recommendations whether contained in Chapters I to IV or Chapter V of the Action Taken Reports, should be laid on the Table of the House for information of members with a view to bringing the procedure in the line with that being followed by the Estimates Committee and the Public Accounts Committee. Accordingly, such a statement was laid on the Table of the House on 26 August, 1987. It is, therefore, suggested that this practice of laying statements of Action Taken Notes on the recommendations contained in the Action Taken Reports should also be incorporated in direction 102 as clause (3).

9. The precise amendments are set out in Enclosure.

10. The Committee may consider.

New Delhi:

Dated the 24 February, 1989

ENCLOSURE

(See Para 4 of Memorandum No. 58)

Amendments proposed in the directions by the Speaker— Direction 102

| Existing Direction | Amendments proposed |
|---|--|
| <p><i>Action taken on recommendations of Estimates Committee and Public Undertakings Committee.</i></p> | <p><i>"Action taken on recommendations of Estimates Committee, or Committee on Public Accounts or Committee on Public Undertakings.</i></p> |
| <p>102(1) Government shall, as early as possible after the presentation of the report of the Committee on Estimates or the Committee on Public Undertakings, furnish the Committee, in the first instance, with a statement showing action taken on the recommendations contained in the report. The statement shall contain the views of Government on all the recommendations including those which are accepted by Government.</p> | <p>102(1) Government shall, as early as possible, after the presentation of the report of the Committee on Estimates or the Committee on Public Accounts or the Committee on Public Undertakings, furnish the Committee, in the first instance, with a statement showing action taken on the recommendations contained in the report. The statement shall contain the views of Government on all the recommendations including those which are accepted by Government.</p> |
| <p>(2) As early as possible after the receipt of the replies, the Committee shall consider them and finalise their views as to whether the replies are acceptable to them or not. In respect of the replies to recommendations which are not accepted by Government, the Committee may express their views, in case they do not accept replies of Government.</p> | <p>(2) As early as possible after the receipt of the replies, the Committee shall consider them and finalise their views as to whether the replies are acceptable to them or not. In respect of the replies to recommendations which are not accepted by Government, the Committee may express their views, in case they do not accept replies of Government.</p> |
| <p>Thereafter, the Committee shall lay a statement on the Table of the House in order to inform the House of the action taken on the original recommendations made by the Committee. The statement shall consist of three parts as follows :—</p> | <p>Thereafter, the Committee shall present further report to the House regarding the action taken on the original recommendations made by the Committee. The report shall consist of five Chapters as follows :—</p> |
| <p>PART I— Showing the recommendations accepted by Government ;</p> | <p>I. Report ;</p> |
| <p>PART II— Showing the replies of Government which, though differing from the recommendations, have been accepted by the Committee; and</p> | <p>II. Recommendations/Observations which have been accepted by Government;</p> |
| <p>PART III— Showing the cases where the Committee's recommendations are not acceptable to the Government and the replies of the Government are also not acceptable to the Committee.</p> | <p>III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies;</p> |
| | <p>IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee; and</p> |

Existing Direction

Amendments proposed

V. Recommendations/Observations in respect of which final replies of Government are still awaited."

New clause to be added—

"(3) Government shall, as early as possible, after the presentation of the Action Taken Report of the Committee on Estimates or the Committee on Public Accounts or the Committee on Public Undertakings, furnish statements on action taken or proposed to be taken by them on the recommendations contained in Chapter I and the final replies to the recommendations contained in Chapter V of the report. The replies so received shall be consolidated in the form of a statement and, after Chairman's approval, laid on the Table of the House."

ANNEXURE XXXVIII
(See para 3 of Minutes daten 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM No. 59

SUBJECT: *Amendment to direction 113 regarding Notices of amendments to Bills Or Resolutions.*

Direction 113 of the Directions by the Speaker provides *inter alia* that amendments to Bills shall be circulated to members on the day on which the relevant item is included in the List of Business.

2. However, in actual practice, amendments in respect of Government Bills, included in the statement made by the Minister of Parliamentary Affairs regarding Government Business for the next week, are circulated on the day such statement is made in the House. This is done to facilitate timely printing and circulation of the amendments.

3. The above practice may be suitably incorporated in direction 113 of the Directions by the Speaker as indicated in the Enclosure.

4. The Committee may consider.

NEW DELHI;
Dated 24-2-1989

ENCLOSURE

(See para 3 of Memorandum No. 59)

Existing Rule

Amendment Proposed

113. Notices of amendments to a Bill or a resolution may be given by members in advance of the inclusion of the relevant item in the list of business. Such amendments shall be circulated to members on the day on which the relevant item is included in the list of business.

"Notices of amendments to a Bill or a resolution may be given by members in advance of the inclusion of the relevant item in the list of business. Such amendments shall be circulated to members on the day on which the relevant item is included in the list of business or in the statement made by Minister of Parliamentary Affairs regarding Government Business for next week."

ANNEXURE XXXIX

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM No. 60

SUBJECT: *Amendment to direction 115A regarding methods for participation in debate and selection of speakers.*

Rule 350 read with direction 115A lays down the procedure for participation in the debate.

2. It has, however, been observed that quite often members speak without being called by the Speaker to speak or continue to speak despite the direction by the Speaker to conclude.

3. It is, therefore, for consideration whether provision as shown in Enclosure, may be added to direction 115A, whereby the speech or portion thereof, made without Speaker's permission would not form part of the proceedings.

4. The Committee may consider.

NEW DELHI;

Dated: 24-2-1989

ENCLOSURE

(See para 3 of Memo. No. 60)

[Statement showing the amendment proposed to direction 115(A) of the Directions by the Speaker relating to methods for participation in debate and election of speakers]

| Existing Direction | Amendment proposed to be added |
|--|---|
| <i>Methods for participation in debate and selection of speakers</i> | |
| 115(a) (1) to (3) need no modification. | “(4) If a member speaks without being called by the Speaker to speak or continues to speak despite his directions to conclude the speech forthwith, the Speaker may direct that such speech or portions thereof, as the case may be shall not form part of the proceedings of the House.” |

ANNEXURE XL

(See para 3 of Minutes dated 2-3-1969)

LOK SABHA SECRETARIAT (COMMITTEE BRANCH-I)

RULES COMMITTEE MEMORANDUM NO. 61

SUBJECT: *Amendment to direction 118 regarding procedure for laying of papers by private members.*

Rules 368, 369 and 370 of the Rules of Procedure and Conduct of Business in Lok Sabha and directions 116, 117, 118 and 118A of Directions by the Speaker deal with laying of papers on the Table by Government and by private members.

2. Sub-clause (1) of direction 118 provides that a private member desiring to lay a paper shall supply a copy thereof to Speaker in advance and if the Speaker permits the member to lay the paper on the Table, the member may do so at the appropriate time. However, sub-clause (2) (i) of the same direction gives the member the liberty to quote from a document after handing over a copy thereof at the Table. Normally, if there is nothing unparliamentary therein, the portion quoted from the document forms part of the record. There are occasions when, while speaking, members quote from secret Government documents and later on either such members themselves seek to lay the document on the Table or other members demand for their being laid on the Table. If on examination of such document, the Speaker does not permit the document to be laid on the Table, the portions quoted from such document still remain on record as part of the proceedings. This may not be in national interest. It is, therefore, felt that such secret document should be made available by the member to the Speaker in Advance.

3. The existing direction 118(2) (i) further provides that if in the course of his speech, a member wishes to lay a paper or document on the Table, without previously supplying a copy thereof to the Speaker, he may hand it over at the Table but it will not be deemed to have been laid on the Table unless the Speaker, after

examination, accords the necessary permission. This does not reflect the intention clearly. A Paper/document should be considered for laying on the Table only if the member has quoted therefrom. Therefore, direction 118 may be amended accordingly.

4. Precise amendments suggested are at Enclosure.
5. The Committee may consider.

New DELHI;

Dated 24 February, 1969

ENCLOSURE

(See para 4 of Memorandum No. 61)

| Existing Direction | Amendment proposed |
|---|--|
| <p>118(2)(i) If in the course of his speech, a member wishes to lay a paper or document on the Table without previously supplying a copy thereof to the Speaker, he may hand it over at the Table but it will not be deemed to have been laid on the Table unless the Speaker, after examination, accords the necessary permission.</p> | <p>118(2) If a private member, in the course of his speech wishes to quote from a secret Government document, paper or report, he shall supply a copy thereof in advance to the Speaker and also indicate the portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker does not accord the necessary permission the member shall not quote from the document nor refer to its contents.</p> |
| | <p>118(3)(i) A paper or document sought to be laid on the Table by a private member may be considered for laying on the Table only if the member has quoted therefrom. The member seeking to lay the same may hand it over at the Table but it shall not be deemed to have been laid on the Table unless the Speaker, after examination, accords the necessary permission.</p> |
| <p>118(2)(ii) If the Speaker does not accord the necessary permission, the paper or document shall be returned to the member and the fact indicated in the printed Debates.</p> | <p>May be re-numbered as 3(ii).</p> |

ANNEXURE XLI

(See para 3 of Minutes dated 2-3-1969)

**LOK SABHA SECRETARIAT
(COMMITTEE BRANCH-I)**

**RULES COMMITTEE
MEMORANDUM NO. 62**

SUBJECT: *Amendment to direction 119 regarding advance intimation and copy of statement by Minister.*

Rule 372 read with direction 119 lays down the procedure for making statement by a Minister on a matter of public importance.

Ministers make statements in the House from time to time with the consent of the Speaker/House in order to keep the House informed of matters of public importance or to apprise the House regarding Government policy in regard to a matter of topical interest, at the earliest opportunity.

2. There is no provision either in the Rules or in Directions laying down the scope of a statement to be made by a Minister. It is however, a settled fact that a Minister can make a statement in the House only on behalf of the Government. An individual Minister cannot express his personal views under rule 372. He is, however, free to do so in case he participates in debate in his personal capacity if he is a member of the House.

3. Recently a Minister sought permission of the Speaker to express his personal views in regard to certain matters of national importance under rule 372. The request was not acceded to.

4. In view of the above, it is felt necessary that the scope of statement to be made by a Minister may be clarified by adding an explanation to direction 119 as set out in Enclosure.

5. The Committee may consider.

NEW DELHI;

Dated 24 February, 1969

APPENDIX

(See para 4 of Memo. No. 62)

**[Statement showing amendment in direction 119 of the Directions
by the Speaker]**

| Existing Directions | Amendments Proposed |
|--|--|
| "A Minister desiring to make a statement in the House under rule 372 shall intimate in advance the date on which the statement is proposed to be made and also send a copy of the statement to the Lok Sabha Secretariat for the information of the Speaker." | "A Minister desiring to make a statement in the House under rule 372 shall intimate in advance the date on which the statement is proposed to be made and also send a copy of the statement to the Lok Sabha Secretariat for the information of the Speaker." |
| | <i>Explanation:</i> <i>The statement shall pertain to a subject for which the Minister is responsible and shall be made to explain Government's policy in regard to a specific matter of public importance or topical interest."</i> |

ANNEXURE XLII
(See para 3 of Minutes dated 2-3-1989)
LOK SABHA SECRETARIAT
(COMMITTEE BRANCH—1)

—
RULES COMMITTEE
MEMORANDUM NO. 63

SUBJECT: *Amendment to rules 74 and 75 regarding motions after introduction of Bills.*

Rule 74 provides *inter alia* as under:—

“When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

* * * * *

(iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council; or

* * * * *

Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution.

* * * * *

2. Rule 75 provides for general discussion of a Bill and also lays down the scope of amendments to be moved at this stage. Second proviso to sub-rule (3) provides as follows:—

“Provided further that no amendment or a motion for appointment of a Joint Committee under this rule shall be moved with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution.”

3. Under the Constitution, Lok Sabha enjoys a special status so far as Money Bills are concerned. No Money Bill can be referred

to a Joint Committee of the Houses. Further, Financial Bills falling within the purview of article 117(1) of the Constitution, cannot be introduced in Rajya Sabha. The first proviso to rule 74 imposes a further restriction that such Bills cannot be referred to a Joint Committee of the Houses. Apart from this, there are no other restrictions in the Constitution in regard to Financial Bills. Such Bills are dealt with like other ordinary Bills and can be amended or altered by Rajya Sabha. These can be referred to Select Committees of each House independently. In case of difference between the two Houses there can even be a Joint Sitting of both the Houses under article 108 for consideration and passing of such Bills.

4. It may be recalled that the first proviso to rule 74 was inserted in the Rules of Procedure and Conduct of Business in Lok Sabha in 1953. Brief reasons for insertion of this proviso were as follows:—

“Under Articles 109 and 117 of the Constitution Money Bills and Financial Bills can be introduced only in the House of the People and as such are primarily the concern of that House. Therefore, in consonance with the spirit of the Constitution such Bills should be dealt with exclusively by Committees of the House of the People. In view of the limited powers in financial matters conferred under the Constitution on the Council it would not be in conformity with the spirit of the Constitution to refer such Bills to a Joint Committee, which involved association of members of the other House who might be placed in a position to influence the decisions of the Committee. The proposed amendment was therefore intended to provide that with respect to Bills which could not be introduced in the Council of States no motion could be moved for reference of such Bills to a Joint Committee of both Houses.”

[Min. (RC) 14-4-1953 para 10, p. 3]

5. In the past, it had been the consistent practice to suspend the first proviso to rule 74, whenever it was felt necessary to refer a Financial Bill under article 117(1), to a Joint Committee of the Houses. In the following cases the proviso to rule 74 was suspended to enable reference of the Bills to the Joint Committees:—

(1) The States Reorganisation Bill, 1956

- (2) The Mines (Amendment) Bill, 1972.
- (3) The General Insurance Business (Nationalisation) Bill, 1972.
- (4) The Public Financial Institutions Laws (Amendment) Bill, 1973.

6. However during 6th Lok Sabha, two Bills were referred to the Joint Committees of the Houses without suspending the proviso to rule 74 as it was felt that the Constitution did not lay down any restriction to that effect.

On 15-5-1978, when the motion for suspension of the first proviso to rule 74 to enable the reference of the Multi-State Cooperative Societies Bill, 1977 to a Joint Committee was moved, the following points were raised:—

- (1) That if the Bill was a Money Bill, it could not be referred to a Joint Committee in view of the mandatory provisions of article 109 of the Constitution even by suspending the first proviso to rule 74. In case it was not a Money Bill, the suspension of the first proviso to rule 74 was redundant and not necessary;
- (2) That in view of article 109 of the Constitution, Rajya Sabha could take cognizance of Money Bills only after they were passed by Lok Sabha. The motion seeking to induct Rajya Sabha in a Money Bill even before Lok Sabha had considered it was not proper.

The Speaker thereupon observed:—

“Article 109(1) merely prohibits stating that Money Bill simply shall not be introduced in the Council of States. The consideration and other aspects do not come. So, the introduction must be in this House. Both the Houses can consider the matter unless it is a Money Bill. The essential question is: Is this a Money Bill or only a Financial Bill

.....
All Money Bills are Financial Bills, but all Financial Bills are not Money Bills. So, if it is a Money Bill, it cannot be there so far as Rajya Sabha is concerned. If it is a Financial Bill, different considerations arise. The question which Mr. Sathe raised is, if it is a Financial Bill,

the proviso need not be suspended, it is superfluous. If it is a Money Bill, it cannot be suspended.....
The crucial question is: Is it a Money Bill or a Financial Bill? If it is Money Bill, the proviso says, it cannot be suspended. If it is a Financial Bill, this suspension is unnecessary.....

This is only a Financial Bill. Therefore, suspension is not necessary."

7. Thereupon, the motion for suspension of the first proviso to rule 74 was not proceeded with. The motion for reference of the Bill to a Joint Committee of the Houses was then moved by the Minister and adopted by the House. Similarly, the motion for suspension of the first proviso to rule 74 was also not moved in respect of the Mental Health Bill, 1978.

8. The matter was considered by the Rules Committee (Sixth Lok Sabha) on 28-10-1978. The Committee recommended that the proviso should be made applicable to Money Bills only. However, due to the dissolution of Sixth Lok Sabha, the report of the Committee could not be presented and approved by Lok Sabha.

9. In view of the above it is suggested that first proviso to rule 74 may be made applicable only to Money Bills, as appears to be intention under the Constitution. Second proviso to rule 75 which is analogous to the former may also be considered for amendment.

10. The proposed amendments are set out in Appendix.

11. The Committee may consider.

NEW DELHI;

Dated the 1st March, 1989.

ENCLOSURE

(See paras 6 to 8 of the Memo. No. 63)

| | Existing Rule | | | Amendment Proposed | | |
|-------|--|-----|-----|---|-----|-----|
| 74. | *** | *** | *** | *** | *** | *** |
| | <p>Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (c) to (f) of clause (1) of Article 110 of the Constitution:</p> | | | <p>Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill if it contains <i>only</i> provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 of the Constitution :</p> | | |
| | *** | *** | *** | *** | *** | *** |
| 75(3) | *** | *** | *** | 75(3) | *** | *** |
| | <p>Provided further that no amendment or a motion for appointment of a Joint Committee under this rule shall be moved with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution.</p> | | | <p>Provided further that no amendment or a motion for appointment of a Joint Committee under this rule shall be moved with reference to a Bill if it contains <i>only</i> provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) to article 110 of the Constitution.</p> | | |
| | *** | *** | *** | *** | *** | *** |

MINUTES OF THE SITTING OF THE RULES COMMITTEE HELD
ON THURSDAY, 30 MARCH, 1989, IN COMMITTEE ROOM NO. 62,
FIRST FLOOR, PARLIAMENT HOUSE, NEW DELHI.

Fourteenth Sitting

The Committee sat from 16.30 to 16.50 hours.

PRESENT

Dr. Bal Ram Jakhar—*Chairman*

MEMBERS

2. Shri Deep Narain Ban Mahant
3. Shri H. K. L. Bhagat
4. Shri Somnath Chatterjee
5. Shri Madan Pandey
6. Prof. N. G. Ranga
7. Shri D. N. Reddy

SECRETARIAT

Dr. Subhash C. Kashyap—*Secretary-General*

Shri K. C. Rastogi—*Joint Secretary (A)*

Shri C. K. Jain—*Joint Secretary (C)*

Shri G. S. Bhasin—*Deputy Secretary (C)*

Shri O. P. Chopra—*Under Secretary*

2. The Committee considered Memoranda Nos. 40* and 65* containing suggestions for amendment/modification of rule 186 and sub-rule (3) of rule 48 and Direction 15 of the Directions by the Speaker. The Committee agreed to the amendments/modifications to the rules and direction, suggested in the two memoranda.

3. The Committee then considered Memorandum No. 64* regarding constitution of Standing Parliamentary Committees on Agricul-

ture and Science and Technology. The Committee approved the suggestion that two Standing Parliamentary Committees, namely a Committee on Science and Technology and a Committee on Agriculture might be set up immediately. The Committee authorised the Speaker to work out and finalise the modalities for the constitution, functions and procedure to be followed by these Committees.

[These have since been finalised by the Speaker and are set out in Enclosures I and II]

The Committee then adjourned.

ENCLOSURE I

(Vide para 3 of Minutes dated 30-3-1989)

Committee on Agriculture

- Functions** (1) There shall be a Committee on Agriculture to examine all matters connected with agriculture as are dealt with by the Ministry of Agriculture and allied Ministries and to report thereon from time to time. The functions of the Committee shall be:
- (a) to examine such of the estimates of the Ministry of Agriculture and allied Ministries as may seem fit to the Committee;
 - (b) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;
 - (c) to examine the Annual Reports of the Ministry of Agriculture and allied Ministries with a view to finding out whether the expenditure incurred was commensurate with the results achieved.
 - (d) to examine such of the plan projects/activities of the Ministry of Agriculture and allied Ministries as may seem fit to the Committee or are specially referred to it by the House or the Speaker; and
 - (e) to evaluate and suggest measures for modernisation and overall development of agricultural and agricultural industries with a view to enhancing their contribution to economic growth through supplies of food, raw materials and products for exports, etc.
- Constitution** (2) The Committee shall consist of not more than 22 members comprising 15 members to be nominated by the Speaker every year from amongst the members of Lok Sabha and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee:

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

(3) The term of office of the members of the Committee shall not exceed one year:

Provided that the members of the Committee constituted for the first time shall hold office for the duration of the Eighth Lok Sabha.

(4) The Speaker shall appoint one of the members of the Committee to be its Chairman.

(5) In other respects the general rules applicable to parliamentary Committees given in Chapter XXVI of the Rules of Procedure and Conduct of Business in Lok Sabha shall apply with such adaptations, whether by way of modifications, additions or omissions as the Speaker may consider necessary or convenient.

ENCLOSURE II

(Vide para 3 of Minutes dt. 30-3-1989)

Committee on Science and Technology

Functions

(1) There shall be a Committee to examine all matters dealt with by the Ministry of Science & Technology and allied Ministries and to report thereon from time to time. The functions of the Committee shall be:

- (a) to examine such of the estimates of the Ministry of Science and Technology and allied Ministries as may seem fit to the Committee;
- (b) to report what economies, improvements in organisation, efficiency or administrative reform consistent with the policy underlying the estimates, may be effected;
- (c) to examine the Annual Reports of the Ministry of Science & Technology and allied Ministries with a view to finding out whether the expenditure incurred was commensurate with the results achieved;
- (d) to examine such of the plan projects/activities of the Ministry of Science and Technology and allied Ministries as may seem fit to the Committee or are specially referred to it by the House or the Speaker;
- (e) to study the policies and programmes of Government in the field of science and technological development;
- (f) to examine and evaluate Government sponsored or aided activities for the promotion of research and development and their application to industry and agriculture as well as to the security of the nation;
- (g) to examine matters affecting scientific and technological institutions, e.g. financial, personnel, purchase and import policies and practices;
- (h) to examine the plans and programmes in bio-technology;

- (i) to examine measures for development and utilisation of scientific man-power; and
- (j) to suggest measures for promoting economic development through increased use of scientific and technological innovations.

Constitution

(2) The Committee shall consist of not more than 22 members comprising 15 members who shall be nominated by the Speaker every year from amongst the members of Lok Sabha and not more than 7 members of Rajya Sabha to be nominated by that House for being associated with the Committee:

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

(3) The term of office of the members of the Committee shall not exceed one year:

Provided that the members of the Committee constituted for the first time shall hold office for the duration of the Eighth Lok Sabha.

(4) The Speaker shall appoint one of the members of the Committee to be its Chairman.

(5) In other respects, the general rules applicable to Parliamentary Committees given in Chapter XXVI of the Rules of Procedure and Conduct of Business in Lok Sabha shall apply with such adaptations, whether by way of modifications, additions or omissions as the Speaker may consider necessary or convenient.

ANNEXURE XLIII

(See para 3 of Minutes dated 2-3-1989)

LOK SABHA SECRETARIAT

(COMMITTEE BRANCH-I)

RULES COMMITTEE

MEMORANDUM NO. 65

SUBJECT: *Proposal for amendments to sub-rule (3) of rule 48 of the Rules of Procedure and Conduct of Business in Lok Sabha and direction 15 of the Directions by the Speaker regarding Questions.* ..

It is proposed to amend sub-rule (3) of rule 48 of the Rules of Procedure and Conduct of Business in Lok Sabha and direction 15 of the Directions by the Speaker.

2. The proposed amendments are indicated in the statements given in Appendices I and II containing the existing text of sub-rule (3) of rule 48 and direction 15, text of proposed amendments and the reasons for suggesting the amendments.

3. The Committee may consider.

New Delhi;

Dated: 28 March, 1989.

ENCLOSURE 1

Statement showing amendment proposed in rule 48(3)

| Existing Text of the Rule | Proposed amendment | Reasons for Amendment |
|--|--|--|
| 48 (3) If on a question being called it is not asked <i>or</i> the member in whose name it stands is absent, the Speaker may, at the request of any member, direct that the answer to it be given. | <i>For the word 'or' substitute the word 's'</i> | The existing sub-rule can be interpreted to mean that a member although present in the House when called by the Speaker may not ask the question listed against his name. This position, if accepted, would be tantamount to show disrespect to the Chair/House as after having tabled the question, and question having been listed against his name and also called by the Speaker, the member is bound to ask his question and if he does not intend to do so, he is to give a notice under rule 47. This is also as per extant practice. |

ENCLOSURE II

Statement showing amendment proposed in direction 15

| Existing Text of the Direction | Proposed amendment | Reasons for amendment |
|---|--|---|
| 15. If on a question being called, it is not asked <i>or</i> the member in whose name it stands is absent without giving any letter of authority to any other member on his behalf, the Speaker may, at his discretion, direct the answer to it to be given in the second round, if in his opinion or that of the Minister concerned, the subject matter of the question is of such importance as to warrant an answer being given in the House | For the word 'or' (occurring in the first place) <i>substitute</i> the word 'is' | The initial phraseology of this direction, 'if on a question being called, it is not asked or.....' is the same as used in sub rule (3) of rule 48. The proposed amendment seeks to bring the position in harmony with other rules and also with the existing practice. The reasons for proposed amendment in sub rule (3) of rule 48 apply in this case as well (<i>vide</i> col. 3 of Appendix I). |