

RULES COMMITTEE

(FIFTEENTH LOK SABHA)

FIRST REPORT

(Laid on the Table on the 9 March, 2010)



LOK SABHA SECRETARIAT

NEW DELHI

March, 2010/ Phalguna, 1931 (Saka)

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MEMBERS OF THE RULES COMMITTEE

1. Smt. Meira Kumar - Chairperson
2. Shri Ananth Kumar
3. Shri Ramesh Bais
4. Shri Sanjay Singh Chauhan
5. Shri Sandeep Dikshit
6. Shri O. S. Manian
7. Shri Tapas Paul
8. Shri P. L. Punia
9. Dr. Nilesh Narayan Rane
10. Shri K. Chandrasekhar Rao
11. Shri S.P.Y. Reddy
12. Shri Digvijay Singh*
13. Shri Gopal Singh
14. Smt. Sushma Swaraj
15. Shri R. Thamaraiselvan

SECRETARIAT

1. Shri P.D.T. Achary - Secretary-General
2. Shri J.P. Sharma - Joint Secretary
3. Shri R. S. Misra - Director
4. Shri J.V.G. Reddy - Additional Director
5. Shri V.K. Gupta - Deputy Secretary

* Nominated vide LS Bn. Part II dated 9 November, 2009

**FIRST REPORT OF THE RULES COMMITTEE
(FIFTEENTH LOK SABHA)**

The Rules Committee at their sitting held on 18th February, 2010 considered certain amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Thirteenth Edition) with reference to the rules 33, 39(1), 39(3), 46, 48(3), 49, 331(A)(a) and 349(xiv).

2. The recommendations of the Committee are contained in this first report which the Committee authorized to be laid on the table of the House.

3. The Committee's observation with regard to the amendments proposed in appendix-I of this Report are given in the succeeding paras.

4. **Rule 33**

The Committee note that under rule 33, Members are required to give not less than 10 and not more than 21 clear days of notice for their questions and the ballot for both starred and unstarred questions is normally held 21 days before the sitting of the House. In effect, the notice of starred questions given by Members after the date of ballot and up to the last date fixed for the questions will normally not be taken into consideration for inclusion in the Starred list. Such notices, if admitted, are generally treated as Unstarred and are included in the Unstarred list. The Committee also note that in Rajya Sabha the minimum period for giving notices of questions had been fixed as 15 days and the maximum period of 21 days notice had been done away with in May 1998. To rationalize the procedure of notice under rule 33, the Committee recommend that an amendment be made to prescribe a period of not less than 15 days for giving notice of questions and to do away with period of not more than 21 days.

5. **Rule 39(3)**

The Committee note that the words **“or, suspended to devote more time on any other business or”**, the word **“other”** after the words *‘for any’* in rule 39(3) and the words “or suspending” in the proviso to the rule are not required as the rule essentially deals with the effect of dispensing with the Question Hour and not its suspension. Rule 39(3) is proposed to be amended accordingly.

6. **Rule 46**

The Committee note that the words **“if the time made available for questions permits”** and **“before any other business is entered upon at the sitting”** in rule 46 are superfluous and, therefore, recommend that these words be omitted from the rule.

7. **Rule 48(3)**

The Committee note that this rule provides for asking of questions of the absentee members at the request of any other member. The Committee have also noted in this context that on many occasions in the past questions standing in the names of absent members were not allowed unless they had been authorized to ask those questions on their behalf. The Committee are of the view that questions included in the list are property of the House and they generally have national and international importance. Therefore, the House must get the opportunity to discuss the questions even when the member in whose name the questions stand is absent. The Committee also note the fact that the practice of calling the absentees questions in the second round will not serve any purpose as the second round has seldom been reached. It has also been brought to the notice of the Committee that in Rajya Sabha an amendment had been made to the rules providing that if on a question being called was not put or the member in whose name it stood was absent, then the Chairman shall direct that the answer to it be given. After considering all the aspects, the Committee, recommend that the words **“at the request of any member”** be omitted from the rule.

8. **Rule 49**

The Committee note that consequent to the amendments proposed to rule 48(3), the words “**or if called for answer the member in whose name it stands is absent**” in rule 39(1) and proviso thereto needs to be omitted and rule 49 will become redundant. Accordingly, the Committee recommend that amendments to rule 39(1) and for omission of rule 49 be made.

9. **Rule 331A(a)**

The Committee note that one of the functions of the Committee is to consider the reports submitted by the National Commission for the Scheduled Castes and Scheduled Tribes under article 338(5)(d) of the Constitution and the National Commission for the Scheduled Castes and Scheduled Tribes was divided into two separate Commissions namely, National Commission for the Scheduled Castes and National Commission for the Scheduled Tribes in pursuance of Constitution (Eighty-ninth Amendment) Act, 2003. The Committee, therefore, recommend that rule 331A(a) be amended to reflect the names of the two Commissions in the functions of the Committee accordingly.

10. **Rule 349(xiv)**

The Committee note the suggestion made by Shri Naveen Jindal, MP for an amendment to sub-rule (xiv) of Rule 349 to enable the Members to wear the national flag in the form of lapel pin or badge while the House is sitting. The Committee note the fact that the Supreme Court of India in a judgement dated 23 January, 2004 had held that the right to display the National Flag freely, with respect and dignity, is a Fundamental Right, subject to reasonable restrictions under clause 2 of Article 19 to the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971 and Flag Code. The Committee recommend that the amendment suggested by the Member be made in the rule.

11. The amendments to the rules as recommended by the Committee are given in the appendix-I. The Minutes of the sitting of the Committee held on 18 February, 2010 are given at appendix-II.

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

New Delhi;

**MEIRA KUMAR(Smt.),
Chairperson,
Rules Committee.**

4 March, 2010
13 Phalguna, 1931 (Saka)

APPENDIX-I

(See Para 11 of the Report)

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (13th Edition) as recommended by the Rules Committee.

1. Rule 33. -

For the words “not less than ten and not more than twenty one clear days’ ”, the words “not less than fifteen clear days’ ” shall be substituted.

2. Rule 39(1). -

(i) The words “or if called for answer, the member in whose name it stands is absent” shall be omitted.

(ii) The proviso shall be omitted.

3. Rule 39(3). -

(i) The words “or, suspended to devote more time on any other business or” and after the words ‘*for any*’ the word “other” shall be omitted.

(ii) In proviso, the words “or suspending” shall be omitted.

4. Rule 46. -

The words “if the time made available for questions permits”, and the words “before any other business is entered upon at the sitting” shall be omitted.

5. Rule 48(3). -

For the word “as” the word “or” shall be substituted and the words “at the request of any member” shall be omitted.

6. Rule 49. -

Rule 49 shall be omitted.

7. Rule 331A(a) . -

For the words “National Commission for the Scheduled Castes and Scheduled Tribes under article 338 (5)(d)” the words “National Commission for the Scheduled Castes under article 338(5)(d) and the National Commission for the Scheduled Tribes under article 338A(5)(d)” shall be substituted.

8. 349(xiv). -

After the words, “in the House” the following shall be added, namely:-

“except the National Flag in the form of a lapel pin or a badge”.

APPENDIX-II
(See Para 11 of the Report)

**MINUTES OF THE FIRST SITTING OF THE RULES COMMITTEE HELD ON
18TH FEBRUARY, 2010 IN SPEAKER'S COMMITTEE ROOM**

The Committee met from 1500 hours to 1640 hours.

PRESENT

Smt. Meira Kumar - Chairperson

MEMBERS

2. Shri Sanjay Singh Chauhan
3. Shri Sandeep Dikshit
4. Shri O.S. Manian
5. Shri Tapas Paul
6. Shri P.L. Punia
7. Shri S.P.Y. Reddy
8. Shri R. Thamaraiselvan

SPECIAL INVITEES

1. Shri Kariya Munda - Deputy Speaker
2. Shri Pawan Kumar Bansal - Minister of Parliamentary Affairs

SECRETARIAT

1. Shri P.D.T. Achary - Secretary-General
2. Shri V.K. Sharma - Additional Secretary
3. Shri P. Sreedharan - Joint Secretary
4. Shri J.P. Sharma - Joint Secretary
5. Dr. Ravinder Kumar Chadha - Joint Secretary
6. Shri J.V.G. Reddy - Additional Director
7. Shri V.K. Gupta - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the first sitting of the Committee and apprised them of the background of the Agenda.

3. The Committee took up for consideration Memorandum No. 1 regarding amendments to Rule 32, 33, 39(1), 39(3), 46, 48(3), 49 governing the procedure of questions as under:-

(a) **Rule 32:-** The Committee noted that Rule 388 had been invoked many a time in the past to suspend the Rule 32 whenever “suspension of Question Hour” was needed. The Committee felt that application of Rule 388 to suspend the Rule 32 was not correct as Rule 388 can only be invoked to suspend a Rule in relation to a motion before the House. The Committee took the view that Rule 32 was adequate and vested the Speaker with the discretion to suspend the Question Hour as and when it was warranted without invoking the Rule 388. In the context of the words “dispensed with” mentioned in Rule 39(3), the Committee felt that there was no need to add a separate proviso under Rule 32 providing for moving of a Motion for dispensing with the Question Hour as it would create more difficulties in smooth conduct of the Question Hour. The words “unless the Speaker otherwise directs” in the Rule 32 vested discretionary power with the Speaker to suspend the Question Hour temporarily according to the demands of the situation. The Committee, therefore, did not accept the amendment proposed for incorporation of a proviso to Rule 32 to provide for dispensing with the Question Hour.

(b) **Rule 33:-** The Committee noted that under Rule 33, Members were required to give not less than 10 and not more than 21 clear days of notice for their questions and the ballot for both starred and unstarred questions was normally held 21 days before the sitting of the House. In effect, the notice of starred questions given by Members after the date of ballot and up to the last date fixed for the questions would normally not be taken into consideration for inclusion in the Starred list. Such notices, if admitted, were generally treated as Unstarred and were included in the Unstarred list. The Committee also noted that in Rajya Sabha the minimum period for giving notices of questions had been fixed as 15 days and the maximum period of 21 days notice had been done away with in May 1998. To rationalize the procedure of notice under Rule 33, the Committee, therefore, approved the proposed amendment to prescribe a period of not less than 15 days for giving a notice of questions and to do away with the period of not more than 21 days.

(c) **Rule 39(3):-** The Committee noted that the words “or, suspended to devote more time on any other business or other” in Rule 39(3) and the words “or suspending” in the proviso under the Rule were not required as the Rule essentially dealt with the effect of dispensing with the Question Hour and not its suspension on any day. The Committee, therefore, approved the amendment for omission of the said words in Rule 39(3).

(d) **Rule 46:-** The Committee noted that the words “**if the time made available for questions permits**” and “**before any other business is entered upon at the sitting**” in Rule 46 were superfluous and, therefore decided that these be omitted from the Rule.

(e) **Rule 48(3):-** The Committee noted that this Rule provides for asking of questions of the absentee members at the request of any other member. The Committee felt in this context that on many occasions in the past questions standing in the names of absent members were not allowed unless they had been authorized to ask those questions on their behalf. The Committee were of the view that questions included in the list were property of the House and they generally had national and international importance. Therefore, the House must get the opportunity to discuss the questions even when the member in whose name the questions stood was absent. The practice of calling the absentees questions in the second round would not serve any purpose as the second round was seldom reached. It was also brought to the notice of the Committee that the Rajya Sabha made amendment to the Rules providing that if on a question being called was not put or the member in whose name it stood was absent, then the Chairman shall direct that the answer to it be given. After considering all the aspects, the Committee, therefore, decided that the words “**at the request of any member**” be omitted from the Rule.

(f) **Rule 49:-** The Committee noted that consequent to the amendments approved to Rule 48(3), the words “**or if called for answer the member in whose name it stands is absent**” in Rule 39(1) and proviso thereto needs to be omitted and Rule 49 would become redundant. Accordingly, the Committee approved the amendments to Rule 39(1) and for omission of Rule 49.

4. The Committee considered Memorandum No. 2 regarding amendment to Rule 331(A)(a) on the functions of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The Committee noted that one of the functions of the Committee is to consider the reports submitted by the National Commission for the Scheduled Castes and Scheduled Tribes under article 338(5)(d) of the Constitution. The National Commission for the Scheduled Castes and Scheduled Tribes was divided into two separate commissions namely, National Commission for Scheduled Castes and National Commission for Scheduled Tribes in pursuance of Constitution (Eighty-ninth Amendment) Act, 2003. The Committee felt that this position needed to be reflected in the functions of the Committee and accordingly approved the amendment to Rule 331(A)(a).

5. The Committee then considered Memorandum No. 3 regarding the suggestion made by Shri Naveen Jindal, MP for an amendment to sub-rule (xiv) of Rule 349 to enable the Members to wear the national flag in the form of lapel pin or badge while the House is sitting. The Committee noted that the Supreme Court of India in a judgement had held that the right to display the National Flag freely, with respect and dignity, is a Fundamental Right, subject to reasonable restrictions under clause 2 of Article 19 to the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971 and Flag Code. The Committee therefore, approved the amendment suggested by the Member.

6. The Committee also perused the amendments proposed to be made to Directions 15, 16, 16A and 18 by the Speaker and the suggestion regarding issue of a new Direction 10B to limit the number of questions to ten for which a Member may give notice of question both for oral and written answers, in all, for any day. The Committee noted that in Rajya Sabha a limit of seven notice of questions per sitting per member had been fixed. The Committee suggested that the Hon'ble Speaker might finalize the amendments to the Directions and also the new Direction 10B under Rule 389 and have them laid on the Table separately.

7. The draft of the Rules amended by the Committee and amendments to the Directions to be made by the Speaker are given in the annexure.

8. The Committee authorized the Chairperson to finalize the Report of the Committee and have it laid on the Table of the House during the current Budget Session.

9. While discussing the amendments to the Rules relating to Questions, it was suggested that the feasibility of asking questions listed for oral answers randomly might be examined as it would hold the Ministers and Members more alert and accountable.

The Committee then adjourned.

ANNEXURE

(See para 7 of the Minutes)

AMENDMENTS APPROVED BY THE RULES COMMITTEE TO THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS (13TH EDITION)

Sl. No	<u>FOR</u>	<u>SUBSTITUTE/OMIT</u>
1	<p>Rule 33 Unless the Speaker otherwise directs, not less than <u>ten</u> and not more than twenty one clear days' notice of a question shall be given.</p>	<p>Unless the Speaker otherwise directs, not less than fifteen clear days' notice of a question shall be given.</p>
2	<p><u>Unstarred Questions</u> Rule 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, <u>or if called for answer the member in whose name it stands is absent,</u> 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: <u>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.</u></p>	<p>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, 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.</p>
3	<p>Rule 39(3) If the Question Hour on any day is dispensed with <u>or, suspended to devote more time on any other business</u> or for any <u>other</u> 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 <u>or suspending</u> the Question Hour, the answers to questions included in the</p>	<p>If the Question Hour on any day is dispensed with for any 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</p>

	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:	sitting after dispensing with 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:
4	<p><u>Order in which starred questions to be called - Rule 46</u></p> <p>Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand on the list <u>before any other business is entered upon at the sitting</u>;</p> <p>Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker if the Minister represents to the Speaker that the question is one of special public interest to which he desired to give a reply.</p>	<p>Questions for oral answers shall be called, in the order in which they stand on the list: Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker if the Minister represents to the Speaker that the question is one of special public interest to which he desired to give a reply.</p>
5	<p><u>Mode of asking questions</u></p> <p>Rule 48(3) :</p> <p>If on a question being called it is not asked as the member in whose name it stands is absent, the Speaker <u>may, at the request of any member</u>, direct that the answer to it be given.</p>	<p>If on a question being called it is not asked or the member in whose name it stands is absent, the Speaker may direct that the answer to it be given.</p>
6	<p><u>Starred questions of absent members</u></p> <p>Rule 49:</p> <p>When all the questions for which oral answers are desired have been called the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the name of another member, if so authorized by him.</p>	<u>OMIT</u>

7	<p>In Rule 331A(a) <u>For</u> the words “National Commission for the Scheduled Castes and Scheduled Tribes under article 338 (5)(d)”</p>	“National Commission for the Scheduled Castes under article 338(5)(d) and the National Commission for the Scheduled Tribes under article 338A (5)(d)”
8	<p>Rule 349, <u>For</u> Sub-rule “(xiv) shall not wear to display badges of any kind in the House.”</p>	“(xiv) shall not wear to display badges of any kind in the House except the National Flag in the form of a Lapel Pin or Badge. ”

Amendments to Directions 15, 16, 16A, 18 and insertion of new Direction 10B will be laid on the table separately.