

RULES COMMITTEE

FIRST REPORTS

(SECOND LOK SABHA)

*Gaid on the
Table on
19/57*



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

September, 1957

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PERSONNEL OF THE RULES COMMITTEE

1. Shri M. Ananthasayanam Ayyangar — *Chairman*.
2. Sardar Hukam Singh.
3. Shri Satya Narayan Sinha.
4. Pandit Thakur Das Bhargava.
5. Shri C.R. Pattabhi Raman.
6. Shri Tekur Subramanyam.
7. Shri Radhelal Vyas.
8. Shri Tayappa Hari Sonavane.
9. Shri Shivram Rango Rane.
10. Dr. Sushila Nayar.
11. Shri K.T.K. Tangamani.
12. Shri Purushottamdas R. Patel.
13. Shri Amjad Ali.
14. Shri M.R. Masani.
15. Shri Bhaurao Krishnarao Gaikwad.

SECRETARIAT

Shri M.N. Kaul — *Secretary*.

Shri S.L. Shakhder — *Joint Secretary*.

Shri Avtar Singh Rikhy — *Deputy Secretary*.

*FIRST REPORT OF THE RULES COMMITTEE

The Rules Committee held their sitting on the 31st August, 1957 to consider certain amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition).

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

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

4. *Rules 5, 161, 167, 229 and 230 (Items 1, 2, 3, 4 and 5).* - On the 15th July, 1957, an unauthorised person posing as an elected Member entered the House, made an oath and signed the Roll of Members. While speaking in the House on the incident, the Prime Minister suggested that 'presentation of credentials (by members before making oath/affirmation) should be considered necessary,' and requested the Speaker 'to consider, perhaps, some amendments of the rules so as to prevent the possibility of such a thing happening in future'***

The question of presentation of credentials by members before making and subscribing an oath/affirmation had already been engaging the attention of the Committee for some time. The Committee agree with the view of the Prime Minister that introduction of such a system of presentation of credentials is necessary to eliminate the possibility of impersonation. The Committee have accordingly suggested an amendment to rule 5 making it obligatory for every member to present his credentials in the appropriate form to the Secretary before he makes and subscribes an oath/affirmation. The proposed forms of credentials provide for the issue of certificates, in the case of elected members, by the

* Laid on the Table of the House by Dr. Sushila Nayar on the 2nd September, 1957.

** L. S. Deb Pt II, dt 15 7 1957

Returning Officer of the members' constituency while in the case of members nominated by the President, such certificates will be issued by the Secretary to the Government of India in the Ministry of Law. Provision has also been made in the forms for attestation of the signatures and of photograph of the elected/nominated member by the authority issuing the certificate so as to leave no loophole for impersonation.

5. *Rule 272 (item 6).*—Sub-rule (1) of rule 272 provides that all evidence before Parliamentary Committees shall be taken on oath. In the House of Commons, U.K., however, it is not obligatory for a Parliamentary Committee to take all evidence on oath.* In the Lok Sabha also, in practice, the Committees do not generally take evidence on oath.

The draft amendment has been suggested in order to give this general practice a basis in the Rules. Some drafting changes in the form of oath/affirmation, including the omission of the words 'So help me God', which will not be appropriate if a member wishes to make an affirmation, have been suggested with a view to model it on the lines of forms contained in the Third Schedule to the Constitution.

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

NEW DELHI,

M. ANANTHASAYANAM AYYANGAR,

The 31st August, 1957.

Chairman, Rules Committee.

* May's Parliamentary Practice, 15th Edition, p. 604.

APPENDIX

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

RULE 5

1. To rule 5, the following proviso shall be added, namely:
"Provided that every member shall, before making and subscribing an oath or affirmation, present his credentials to the Secretary in the appropriate form set out in the *First Schedule."

and the existing First, Second and Third Schedules to the Rules of Procedure shall be re-numbered as Second, Third and Fourth Schedules respectively.

RULE 161

2. In sub-rule (1) of rule 161, for the words "First Schedule", the words "Second Schedule" shall be substituted.

RULE 167

3. In rule 167, for the words "Second Schedule", the words "Third Schedule", shall be substituted.

RULE 229

4. In rule 229, for the words "Third Schedule", the words "Fourth Schedule" shall be substituted.

RULE 230

5. In rule 230, for the words "Third Schedule", the words "Fourth Schedule" shall be substituted.

P.T.O.

* The First Schedule containing the form of credentials appears at pages 5 and 6.

RULE 272

6. For rule 272, the following rule shall be substituted, namely :-

"272(1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows:-

'I, A.B., do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.' "

FIRST SCHEDULE
Form of Credentials
(See rule 5)
FORM A

Here affix passport
size photograph duly
attested. (See foot
note.)

In accordance with the laws of the Indian Union, an election/bye-election was held by the qualified electors of _____ constituency on the _____ day of _____, 19____, to represent the said constituency in the House of the People to fill a reserved seat.

general seat.

vacancy occasioned by the resignation/death of Shri _____.

And whereas it has been ascertained by me after a careful examination that Shri _____, a candidate for the said seat/vacancy, received a majority of votes cast at the said election.

I, _____, Returning Officer _____ constituency, do hereby certify that Shri _____, whose photograph is affixed hereto and whose signature is subscribed below has been duly elected to the House of the People from this constituency.

Given under the hand and official seal of the Returning Officer at _____ this _____ day of _____, 19____

OFFICIAL SEAL

RETURNING OFFICER,

Constituency.

Signature and address of the
person elected.

NOTE 1. A passport size copy of photograph, duly attested by the Returning Officer concerned, shall be affixed in the place provided therefor.

NOTE 2. First two paragraphs may be omitted if the member has been elected unopposed.

FORM 'B'

Here affix passport
size photograph duly
attested. (See footnote)

Whereas in exercise of the powers conferred by Article
_____ of the Constitution of India _____

Section 4 of the Representation of the People Act, 1950

the President has _____, been
has in consultation with _____,

pleased to nominate Shri _____,

to represent the Anglo Indian Community in the House of the People.
to fill a seat in the House of the People allotted to _____.

to fill a vacancy occasioned by the resignation/death of Shri _____
_____.

I, _____ Secretary to Government, Ministry of Law,
do hereby certify that _____ whose photograph is
affixed hereto and whose signature is subscribed below, has been du-
ly nominated as a Member of the House of the People.

Given under the hand and the official seal of the Secretary to
Government, Ministry of Law, at _____ this _____
day of _____, 19 _____.

Secretary to Government,
Ministry of Law,
Government of India,
New Delhi.

OFFICIAL SEAL

Signature and address of the
person nominated.

NOTE:- A passport size copy of photograph, duly attested by the Secretary to
the Government, Ministry of Law, Government of India, should be af-
fixed in the place provided therefor.