

RULES COMMITTEE

THIRD REPORT

(SECOND LOK SABHA)

(Laid on the Table on the 30th April, 1958)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

May, 1958

Price : 12 nP.

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THIRD REPORT OF THE RULES COMMITTEE

The Rules Committee held their sitting on the 29th April, 1958, 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 Third Report which the Committee authorise to be laid on the Table of the House.

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

4. *Rule 2 (item 1)*. It is desirable that the term "Lok Sabha Secretariat/Sekretariat" may be defined in the Rules of Procedure so as to include, besides the Lok Sabha Sekretariat at Delhi, any camp office set up outside Delhi for the time being for, or under the authority of, the Speaker. The amendment makes this provision.

5. *Rules 214 (Item 2)*. Sub-rule (3) of rule 214 of the Rules of procedure provides that discussion of a general character shall be allowed on the motion for vote on account. In actual practice, however, according to well established convention of the House, the vote on account is treated like a formal business as the Demands for Grants are later discussed in detail, unless there is a time lag between the vote on account and the main Demands as happened in 1952 and 1957 due to General Elections. The amendment is suggested to provide that discussion on vote on account is permitted in the discretion of the Speaker.

6. *Rules 288, 289, 290, 290A, 291, 292, 295, 296, and 297 (Items 3 to 10)*. Some of the rules relating to the Business Advisory Committee and the Committee on Private Members' Bills and Resolutions are not in accord with the prevailing practice and procedure. Amendments are accordingly suggested to those rules with a view to bring them in accord with the current practice and procedure. The amendments are briefly explained below :

- (i) Rule 288 provides for allotment of time by the Business Advisory Committee to "other Government business" apart from Government Bills. In practice, however, the Committee allots time not only to Government business but also to other business such as "No-Day-Yet-Named-Motions" under rule 189, "Discussions for short duration" under rule 193, and "Statutory resolutions" under Direction 9A. The amendment is intended to give this practice a basis in the rules. An explanation has been added below rule 288 to make the implication of the term "other business" clear.
- (ii) The existing rules 289 and 290 lay down the procedure after the Business Advisory Committee has settled the time-table in regard to a Bill or group of Bills and other Government business. The procedure in this respect has since under gone a change. The present procedure is that the Business Advisory Committee, like other Committees, submits its recommendations to the

House in the form of a report. A motion is then moved in the House for the adoption of the report. After the report is adopted, the Allocation of Time Order, as approved by the House, is notified in the Bulletin. The amendments to rules 289 and 290 and new rule 290A incorporate the current procedure in the rules.

- (iii) Under rule 288, the Business Advisory Committee allots time not only to Government Bills, but to "other business" also. Rule 291, however, does not mention about the disposal, at the appointed hour, of all outstanding matters in connection with the completion of "other business". The amendment to rule 291 meets this lacuna.
- (iv) The amendment to rule 292 incorporates in the rules the present procedure in regard to variation in the Allocation of Time Order by a motion made in the House. Provision is also being made to authorise the Speaker to increase the time not exceeding one hour after taking the sense of the House without any formal motion being made.
- (v) The existing provisos to rule 295 are being inter-changed so as to follow the same sequence as in rule 290.
- (vi) Rule 296 relates to notification of classification and Allocation of Time Order in respect of private members' business. The amendment brings it in conformity with the proposed rule 290A relating to Business Advisory Committee.
- (vii) Under rule 294(1) (e), the Committee on Private Members' Bills and Resolutions allots time for private members' resolutions also. Rule 297, however, does not provide for disposal, at the appointed hour, of all outstanding matters in connection with resolutions. The amendment meets this lacuna.

7. *Rules 367, 367A and 367B (Items 11 and 12).* Consequent on the installation of the Automatic Voting Equipment in the Lok Sabha it has become necessary to amend rule 367 relating to 'Division' so as to provide for the taking of votes by operation of the automatic vote recorder also. The existing mode of recording of votes by the members going into the Lobbies has been retained, as this procedure may have to be resorted to in any contingency such as the break down of the Automatic Voting Equipment.

The existing rule 367 has been split up into two rules as a consequence of provision being made for recording of votes by Automatic Voting Equipment. Slight verbal amendments in the rule which are consequential to the above have also been made.

8. *Rule 387A (Item 13).* Under rule 386 of the Rules of Procedure, the Speaker has the power to regulate the admission of strangers during the sittings of the House to those portions of the House which are not reserved for the exclusive use of members. In pursuance of this rule, the Speaker has framed certain regulations to be observed by strangers in the Galleries while the House is sitting.

Further under rule 387, the Speaker has the power to order the withdrawal of strangers from any part of the House.

Although, the House has the power to punish for contempt "any disorderly, contumacious or disrespectful conduct in the presence of either House or any Committee thereof, whether by strangers present or by persons attending as parties or witnesses"* , it appears necessary that some power should be specifically given to the Speaker to proceed initially against those strangers who enter such portions of the House as are reserved for the exclusive use of members, or who, having been admitted into any portion of the House, misconduct themselves or wilfully infringe the regulations made by the Speaker under rule 386 or those who do not withdraw when the strangers are directed to withdraw under rule 387. Similar provisions exist in the Standing Orders of the House of Commons, U.K., and of the Parliaments of other Commonwealth countries.

9. The Committee considered further the proposal regarding presentation of credentials by members before making and subscribing an oath/affirmation, recommended by the Committee in their First and Second Reports, which was referred** back to the Committee by the House on the 12th September, 1957. The Committee are of the view that it is necessary that members should present a formal return of election from the Returning Officer so as to eliminate the danger of impersonation. The Committee, however, note that there is a feeling amongst the members against the provisions of attestation of photograph or signatures of the members on these returns, as these would require that the successful candidate should present himself in person before the Returning Officer. The Committee, therefore, recommend that the Ministry of Law may be asked to bring before the House an amendment of the Representation of the People Act, 1951 to provide that a copy of the return of election, in addition to being supplied to the Secretary of Lok Sabha, may be given to the successful candidate for being presented at the Table at the time of making and subscribing an oath or affirmation.

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

M. ANANTHASAYANAM AYYANGAR,

NEW DELHI;

The 29th April, 1958.

Chairman,

Rules Committee.

*May (16th Ed.), p. 109.

**L. S. Deb., dt. 12.9.57, Cols. 13534-13547.

APPENDIX

Amendments to the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition) as recom- mended by the Rules Committee

RULE 2

1. In sub-rule (1) of rule 2, after the definition of "Lobby" the following definition shall be inserted, namely :—

“ ‘ Lok Sabha Secretariat/Sekretariat’ means and includes the Lok Sabha Sekretariat at Delhi and any Camp Office set up outside Delhi for the time being for, or under the authority of, the Speaker ;”

RULE 214

2. In sub-rule(3) of rule 214, for the words “shall be allowed”, the words “may be allowed” shall be substituted.

RULE 288

3. (i) In sub-rule (1) of rule 288, for the words “other Government business” , the words “other business” shall be substituted.

(ii) In sub-rule (2) of rule 288, for the words “other Government business” , the words “other business” shall be substituted.

(iii) In rule 288, the following Explanation shall be added at the end, namely :—

“*Explanation.* The expression ‘other business’ referred to in this rule and rules 290A and 291 means business other than private members’ Bills under rule 65 and private members’ resolutions under rule 170.”

RULES 289 AND 290

4. For rules 289 and 290, the following shall be substituted, namely :—

“Report of
Committee.

289. The recommendations of the Committee shall be presented to the House in the form of a report.

Motion
moved in
House
on report,

290. At any time after the report has been presented to the House a motion may be moved that the House agrees or agrees with amendments or disagrees with the report :

Provided that an amendment may be moved that the report

be referred back to the Committee either without limitation or with reference to any particular matter :

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion."

RULE 290A

5. After rule 290, the following rule shall be inserted, namely :—

"290A. The allocation of time in respect of Bills and other business as approved by the House shall take effect as if it were an order of the House and shall be notified in the Bulletin." Notification of Allocation of Time Order.

RULE 291

6. In rule 291,

- (i) after the words "particular stage of a Bill", the words "or other business" shall be inserted ;
- (ii) the words "or other business" shall be added at the end.

RULE 292

7. For rule 292, the following shall be substituted, namely :—

"292. No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House : Variation in the Allocation of Time Order.

Provided that the Speaker may, after taking the sense of the House, increase the time, not exceeding one hour, without any motion being moved."

RULE 295

8. In rule 295,

- (i) In the first proviso, after the word "provided", the word "further" shall be inserted.
- (ii) In the second proviso, after the word "provided", the word "further" shall be omitted and after the word "Committee", the word "either" shall be inserted.
- (iii) The two provisos as amended shall be interchanged.

RULE 296

9. For rule 296, the following shall be substituted, namely :—

"296. The classification of Bills and the allocation of time in respect of Bills and resolutions as approved by the House shall take effect as if it were an order of the House." Notification of classification and Allocation of Time Order.

RULE 297

10. In rule 297, the words "or the resolution" shall be added at the end.

RULE 367

11. In rule 367—

(i) after clause (b) of sub-rule (3), the following clause shall be inserted, namely :—

“(c) If the opinion so declared is again challenged, he shall direct that the votes be recorded either by operating the automatic vote recorder or by the members going into the Lobbies :

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

(ii) sub-rule (4) shall be omitted.

RULES 367A and 367B

12. After rule 367, the following rules shall be inserted, namely :—

“Division
by automatic
vote recorder.

367A. (1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes be recorded by operating the automatic vote recorder, it shall be put into operation and the members shall cast their votes from the seats respectively allotted to them by pressing the buttons provided for the purpose.

(2) After the result of the voting appears on the indicator board, the result of the Division shall be announced by the Speaker and it shall not be challenged.

(3) A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced.

(4) If a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced.

Division by
going into
the Lobbies.

367B. (1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 367 that the votes shall be

recorded by the members going into the Lobbies, he shall direct the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall state his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member.

- (2) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table when the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker.
- (3) The result of the Division shall be announced by the Speaker and it shall not be challenged.
- (4) A Member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Speaker, have his vote recorded either at his seat or in the Lobby before the result of the Division is announced.
- (5) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced.
- (6) When the Division Clerks have brought the Division Lists to the Table, a member who has not upto that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Speaker before the result of the Division is announced."

RULE 387A

13. After rule 387, the following rule shall be inserted, namely :—

- "387A. An officer of the Secretariat authorised in this behalf by the Speaker shall remove from the precincts of the House or take into custody, any stranger whom he may see, or who may be reported to him to be, in any portion of the precincts of the House which is reserved for the exclusive use of members, and also any stranger who, having been admitted into any portion of the precincts of the House, misconducts himself or wilfully infringes the regulations made by the Speaker under rule 386 or does not withdraw when the strangers are directed to withdraw under rule 387 while the House is sitting."

Removal
and taking
into custody
of strangers.

PRINTED AT THE PARLIAMENTARY WING OF THE GOVERNMENT OF INDIA PRESS,
NEW DELHI AND PUBLISHED BY THE LOK SABHA SECRETARIAT UNDER RULE
382 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN
LOK SABHA (FIFTH EDITION.)
