

RULES COMMITTEE

FIRST REPORT

(THIRD LOK SABHA)

(Laid on the Table on the 23rd November, 1965)



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PERSONNEL OF THE RULES COMMITTEE

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4. Shrimati Renu Chakravartty
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SECRETARIAT

Shri S. L. Shaktiher—*Secretary*

Shri M. C. Chawla—*Deputy Secretary.*

FIRST REPORT OF THE RULES COMMITTEE (THIRD LOK SABHA)

The Rules Committee held their sitting on the 11th November, 1965, 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 the Appendix to this Report, the Committee observe as follows:

4. *Rule 39 (item 1).*—Rule 39 of the Rules of Procedure provides that if any questions placed on the list of questions for oral answer (Starred Questions) on any day are not called for answer within the time available for answering questions on that day, the Ministers to whom the questions are addressed shall forthwith lay on the Table written replies to those questions. In actual practice, however, answers to such questions are not formally laid on the Table by the Ministers but are deemed to have been laid on the Table at the end of the time available for answering questions.

Further, although there is no specific provision for laying on the Table answers to questions placed on the list of questions for written answer (Unstarred Questions), written answers to such questions, on the analogy of the provisions of, and practice under, rule 39, are also deemed to have been laid on the Table by the concerned Ministers at the end of the Question Hour on the relevant day.

There is also no provision in the rules for laying on the Table answers to questions for written answer (Unstarred Questions) admitted for a day on which the House sits and there is no Question Hour. During the first part of the Third Session, 1962, on the 22nd November, 1962, it was announced* that the Session would continue till the 11th December, 1962 but that there would be no Question Hour from the 26th November to 11th December, 1962. Some Unstarred Questions were admitted for the 11th December, 1962, and replies thereto were formally laid† on the Table by the Minister of Parliamentary Affairs.

* See Bn. (II), dt. 22-11-1962, paras 403 and 404.

† See L. S. Deb., dt. 11-12-1962, c. 5247.

With a view to state more specifically the practice actually followed in the House in regard to laying on the Table of answers to questions referred to above and also to provide for laying on the Table of written answers to Unstarred Questions admitted for a day on which the House sits and there is no Question Hour, it is desirable that the proposed rule may be substituted for the existing rule 39.

5. *Rule 61 (item 2).*—The purpose of an adjournment motion is “an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance” (Rule 56). Such a motion is accorded priority over the pre-arranged programme of business of the sitting not only in regard to the time when leave of the House to move the adjournment motion is asked for but also at the time when it is actually moved in the House. In both cases, it obstructs, or gets precedence over, the pre-arranged programme of business of the sitting.

The words occurring in Rule 61 “at any earlier hour at which the business of the day may conclude”, are not, therefore, appropriate, because, if the business of the House concludes earlier than 16.00 hours, the House automatically stands adjourned and the motion “that the House do now adjourn” becomes meaningless. There must be some business before the House when such a motion is moved, so that in case the motion is not carried, the House may continue its business and the Speaker is not obliged to adjourn the House for want of business, in which case the significance of an adjournment motion would be lost.

In order to state the position appropriately, and to specify the form of the adjournment motion in the rule, rule 61 may be suitably amended as proposed.

6. *Rule 75 (item 3).*—In connection with the National Co-operative Development Corporation Bill, 1962 and the Assam Rifles (Amendment) Bill, 1962, points of order were raised in the House on the 6th and 7th August, 1962 contending that, in view of the language of rule 75 (1), clause-by-clause consideration of a Bill could not be taken up on the same day as the general discussion of the Bill. It was ruled by the Deputy Speaker on the 6th August, 1962 and by the Speaker on the 7th August, 1962 that this rule merely defined the scope of the discussion at the general discussion stage of a Bill and the intention was not to debar clause-by-clause consideration on the same day on which the general discussion was held. Further, rule 75 has to be read with rule 80.

Rule 75(1) is therefore proposed to be reworded to make the intention clear and to leave no scope for any ambiguity.

7. *Rules 97, 103 and 138 (items 4, 5 and 6).*—Rules 97, 103 and 138 provide that when messages in respect of the class of Bills referred to therein are received from the Rajya Sabha, they shall be reported to the House by the Secretary. The practice in respect of such messages had been, even before these rules were framed,* that they were reported to the House if received from Rajya Sabha when the House was in session and published in the Lok Sabha Bulletin—Part II, if received when the House was not in session. Rule 11(2) of the Houses of Parliament (Joint Sittings and Communications) Rules made by the President, after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha, in pursuance of the provisions contained in Article 118(3) of the Constitution, also provides as follows:—

“(2) Whenever the House or the Council to which a message is sent is not in session, a copy of the message shall, as soon as it is received by the Secretary of the House or the Council, be forwarded by him to every Member of the House or the Council, as the case may be.”

A similar practice was followed in the Central Legislative Assembly before Independence.

On the 16th August, 1965, when certain Bills assented to by the President were laid on the Table by Secretary, in respect of two of which the messages received from the Rajya Sabha when the House was not in Session had been published in the Lok Sabha Bulletin—Part II, a member (Shri H. V. Kamath) pointed out that rules 97 and 103 provided only for reporting of such messages to the House and not for their publication in the Lok Sabha Bulletin when the House was not in Session.

The amendments proposed state the actual practice in this respect and make the intention clear.

8. *Rules 160A and 162 (items 7 and 8).*—According to Article 117 of the Constitution, recommendation of the President is necessary for—

- (i) the introduction in Lok Sabha of a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Art. 110 of the Constitution;

*Rules Committee Minutes dt. 15th December, 1953.

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- (ii) the consideration of the Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India.

In view of the above provisions of the Constitution, it appears desirable that submission of petitions to Lok Sabha from members of the public dealing with any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 or those involving expenditure from the Consolidated Fund of India should be restricted unless recommended by the President. A similar procedure prevails in the House of Commons, U.K., and other Commonwealth countries where petitions for the grant of public money or for compounding any sum of money due to the Crown or for remission of any duty or charges payable by any person cannot be presented to the House unless recommended from the Crown*.

The proposed new rule 160A would make a corresponding provision in our Rules of Procedure.

An analysis of the petitions received in the Lok Sabha indicates that quite often they bear signatures of a large number of persons. These signatures appear on sheets which are appended to the petition. In order to ensure that the petitions presented to the House are duly authenticated by the signatures of at least one petitioner and that the signatories who append their names on separate sheets enclosed with the petition fully understand the prayer made therein, it is necessary to provide in the rules that in such cases, at least one person should sign, or if illiterate, affix his thumb impression, on the sheet on which the petition is inscribed and that the prayer of the petition should be repeated at the head of each sheet containing signatures to the petition.

The proposed amendment to rule 162 makes this provision.

9. Rule 180 (item 9).—Sub-rule (3) of rule 180 regarding withdrawal of resolutions provides that if a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn. Rule 335 provides that on the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notices shall be given for the next session. Hence, notices of all motions (including no-day-yet-named motions), amendments, etc. which are admitted but not discussed during the session are treated as having lapsed at the end of the session under this rule.

*S.O. 82 of the Standing Orders of the House of Commons, U.K.

As a resolution is also a form of motion, there is no reason why resolutions should be treated differently from motions. The effect of both the rules, viz. 180(3) and 335 is the same, that is, on the prorogation of the House both types of notices lapse and fresh notices have to be given by members for the next session.

Sub-rule (3) of rule 180 is, therefore, proposed to be omitted.

10. *Rule 208 (item 10).*—Sub-rule (2) of rule 208 provides that every question necessary to dispose of all the outstanding matters in connection with the demands for grants shall be put to the House at 17.00 hours on the last day of the days allotted for the discussion and voting of the demands for grants. A member, Shri H. V. Kamath, requested during the last Budget Session that the hour at which guillotine should take place be made elastic so that the House might get some extra time, if necessary, to discuss demands for which adequate time might otherwise not have been available.

During the days when the demands for grants are under discussion, the House usually sits for extra hours each sitting to complete the financial business in time. The Committee feel that the provisions of the sub-rule should be made flexible regarding the hour fixed for guillotine on the last allotted day, but such hour, in any case, should be fixed by the Speaker in advance of the last allotted day so that members have adequate intimation. The amendment makes this provision.

11. *Rules 308, 310, 312A, 312B and the Fourth Schedule (items 11, 12, 13 and 16).*—The Committee on Public Undertakings was constituted on a motion adopted by the House on the 20th November, 1963. The provisions relating to the other two Financial Committees, namely, the Committees on Public Accounts and Estimates are contained in the Rules of Procedure of the House. Corresponding provisions relating to the Committee on Public Undertakings are also proposed to be inserted in the Rules of Procedure on the lines of the motion relating to that Committee adopted by the House except in the case of the term of office of the Committee. As in the case of the Estimates Committee and Public Accounts Committee, although the term of office of the future Committees on Public Undertakings would be one year, the usual convention regarding the election of members, whereby two-thirds of the members are, as far as possible, re-elected and the remaining members replaced, would be followed. This will ensure the continuity of the old members and also give adequate opportunities to the new members to participate in the work of the Committee. The amendments to rules 308 and 310 relating to the Committees on Public Accounts and Estimates are only consequential.

12. *Rule 334A (item 14).*—According to the well established practice, no advance publicity can be given by any member or other person, through press or otherwise, to notices of various items of business before they are admitted by the Speaker and circulated to the members and in the case of questions, until the day these are answered in the House. When a point was raised* in the House by Shri Prakash Vir Shastri on the 10th September, 1963 in connection with the premature publicity given to a notice of a Short Notice Question in a newsmagazine, the Speaker reiterated the practice in this respect. The Committee feel that this practice should be incorporated in the Rules of Procedure for the guidance of all concerned. Rule 334A is proposed accordingly.

13. *Form 'C' in Third Schedule (item 15).*—Rule 230 provides for intimations being sent to the Speaker by the authorities concerned in all cases of release of members from custody. The words "otherwise released" occurring in rule 230 refer to release on any ground at any stage of the proceedings, and are not qualified by the words "after conviction".

When a point was raised† in the House on the 27th August, 1965, regarding non-intimation to the Speaker by the authority concerned about the release on bail pending trial of two members, it was noticed that Form 'C' in the Third Schedule to the Rules of Procedure provided for intimation being sent to the Speaker only in two cases, viz., release "on bail pending appeal" and release "on the sentence being set aside on appeal". Both these cases of release will be "after conviction". Thus Form 'C' in the Third Schedule does not provide for intimations being sent to the Speaker in all cases of release, whether before conviction or after conviction, or at any other stage of the proceedings, as is the intention of rule 230.

In actual practice also, intimations from the authorities concerned are received regarding the release of members on any ground and at any stage and announced in the House by the Speaker or published in the Lok Sabha Bulletin—Part II, as the case may be.

The Committee, therefore, consider that Form 'C' of the Third Schedule should be amended suitably to incorporate the intention of Rule 230 and the actual parliamentary practice here, for the guidance of the authorities concerned.

14. *Rules 26, 30, 36, 41, 69, 77, 112, 155, 160, 168, 182, 204, 206, 255, 269, 273 and 361 (items 17 to 33).*—The amendments to these rules are of a drafting and verbal nature only.

*L.S. Deb. dt. 10-9-1963, cc. 5314—20.

†L.S. Deb. dt. 27-8-1965, cc. 2371—78.

15. 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.

NEW DELHI;
The 19th November, 1965.

HUKAM SINGH,
Chairman,
Rules Committee.

APPENDIX

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

RULE 39

1. For rule 39, the following shall be substituted, namely:—

“Written answers to 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 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:

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.

(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.

(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.”

RULE 61

2. For rule 61, the following shall be substituted, namely:—

“Time for taking up motion”

61. The motion ‘that the House do now adjourn’ shall be taken up at 16.00 hours or at an earlier hour if the Speaker, after considering the state of business in the House, so directs.”

RULE 75

3. In sub-rule (1) of rule 75, for the words "On the day on which any motion referred to in rule 74 is made, or on any subsequent day to which the discussion thereof is postponed, the words "On a motion referred to in rule 74 being made" shall be substituted.

RULE 97

4. In rule 97, the following words shall be added at the end, namely:—

"if in session or published in the Bulletin for the information of the members if the House is not in session."

RULE 103

5. For rule 103, the following shall be substituted, namely:—

"Money
Bill
returned
without
recommen-
dation.

103. If a Money Bill passed by the House and transmitted to the Council is returned to the House without commendation, the message to that effect shall be reported by the Secretary to the House if in session or published in the Bulletin for the information of the members if the House is not in session. The Bill shall then be presented to the President for his assent."

RULE 138

6. In rule 138, the following words shall be added at the end, namely:—

"if in session or published in the Bulletin for the information of the members if the House is not in session."

RULE 160A

7. After rule 160, the following rule shall be inserted, namely:—

"Petitions
dealing
with
financial
matters.

160A. A petition, dealing with any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 110 or involving expenditure from the Consolidated Fund of India, shall not be presented to the House unless recommended by the President."

RULE 162

8. The existing rule shall be renumbered as sub-rule (1) of that rule and the following shall be inserted as sub-rule (2) thereof, namely:—

"(2) Where there is more than one signatory to a petition, at least one person shall sign, or, if illiterate, affix his thumb im-

pression, on the sheet on which the petition is inscribed. If signatures or thumb impressions are affixed to more than one sheet, the prayer of the petition shall be repeated at the head of each sheet."

RULE 180

9. In rule 180, sub-rule (3) shall be omitted.

RULE 208

10. In sub-rule (2) of rule 208, after the words and figures "at 17.00 hours", the words "or at such other hour as the Speaker may fix in advance" shall be inserted.

RULE 308

11. To rule 308, the following proviso shall be added, namely:—

"Provided that the Committee shall not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings by these rules or by the Speaker."

RULE 310

12. To rule 310, the following proviso shall be added, namely:—

"Provided that the Committee shall not exercise its functions in relation to such public undertakings as are allotted to the Committee on Public Undertakings by these rules or by the Speaker."

RULES 312A and 312B

13. After rule 312, the following rules shall be inserted, namely:—

"(gg) *Committee on Public Undertakings*

Functions of
Committee
on Public
Under-
takings.

312A. (1) There shall be a Committee on Public Undertakings for the examination of the working of the public undertakings specified in the Fourth Schedule. The functions of the Committee shall be—

- (a) to examine the reports and accounts of the public undertakings specified in the Fourth Schedule;
- (b) to examine the reports, if any, of the Comptroller and Auditor-General on the public undertakings;
- (c) to examine, in the context of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices; and

- (d) to exercise such other functions vested in the Committee on Public Accounts and the Committee on Estimates in relation to the public undertakings specified in the Fourth Schedule as are not covered by clauses (a), (b) and (c) above and as may be allotted to the Committee by the Speaker from time to time:

Provided that the Committee shall not examine and investigate any of the following, namely:—

- (i) matters of major Government policy as distinct from business or commercial functions of the public undertakings;
- (ii) matters of day-to-day administration;
- (iii) matters for the consideration of which machinery is established by any special statute under which a particular public undertaking is established.

Constitution
of Commi-
tee.

312B. (1) The Committee shall consist of not more than ten 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 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."

RULE 334A

14. After rule 334, the following rule shall be inserted, namely:—

"Publicity
of notices
in advance

334A. A notice shall not be given publicity by any member or other person until it has been admitted by the Speaker and circulated to members:

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered in the House."

FORM 'C' IN THIRD SCHEDULE

15. In Schedule III, for Form 'C', the following shall be substituted, namely:—

"C

I have the honour to inform you that Shri.....
Member of the Lok Sabha, who was arrested/detained/convicted
on..... (date), for..... (reasons for arrest/
detention/conviction), was released on..... (date) on
..... (grounds for release)."

FOURTH SCHEDULE

16. After the Third Schedule, the following Schedule shall be added, namely:—

"FOURTH SCHEDULE

(See rule 312A)

List of Public Undertakings

PART I

(Public Undertakings established by Central Acts)

1. The Damodar Valley Corporation.
2. The Industrial Finance Corporation.
3. The Indian Airlines Corporation.
4. The Air India International.
5. The Life Insurance Corporation.
6. The Central Warehousing Corporation.
7. Oil and Natural Gas Commission.

PART II

(Public Undertakings which are Government Companies formed under the Companies Act)

Every Government Company whose annual report is placed before the Houses of Parliament under sub-section (1) of Section 619A of the Companies Act, 1956.

PART III

1. Hindustan Aircraft Ltd., Bangalore.
2. Bharat Electronics Ltd., Bangalore.
3. Mazagon Docks Ltd., Bombay.
4. Garden Reach Workshop Ltd., Calcutta."

AMENDMENTS OF DRAFTING AND VERBAL NATURE

RULE 26

17. In rule 26, the words "which originates in the House" occurring at the end shall be omitted.

RULE 30

18. In sub-rule (1) of rule 30, for the word "will", the word "shall" shall be substituted.

RULE 36

19. In rule 36, for the words "printed on", the words "placed on" shall be substituted.

RULE 41

20. In clause (xxi) of sub-rule (2) of rule 41, for the word "before", the word "of" shall be substituted.

RULE 69

21. In sub-rule (2) of rule 69, for the words "public funds", the words "the Consolidated Fund of India" shall be substituted.

RULE 77

22. In sub-rule (1) of rule 77,—

- (i) in clause (a), the word "or" shall be added at the end;
- (ii) the proviso to clause (a) shall be omitted;
- (iii) the following proviso shall be added at the end of sub-rule, namely:—

"Provided that any member may object to any such motion being made if a copy of the report has not been made available for the use of members for two days before the day on which the motion is made and such objection shall prevail, unless the Speaker allows the motion to be made."

RULE 112

23. In sub-rule (1) of rule 112, the words "for the session" shall be omitted.

RULE 155

24. In rule 155, after the words "each clause or schedule, or clause or schedule as amended, as the case may be", the following words shall be inserted, namely:—

"of a Bill seeking to amend the Constitution".

RULE 160

25. In clause (iii) (d) of rule 160, for the words "Central Government", the words "Government of India" shall be substituted.

RULE 168

26. For the marginal heading to rule 168, the following marginal heading shall be substituted, namely:—

"Form of presentation."

RULE 182

27. In rule 182,—

- (i) in sub-rule (1), the figure and brackets "(1)" shall be omitted;
- (ii) in sub-rule (2),—
 - (a) the figure and brackets "(2)" shall be omitted; and
 - (b) the words "Provided that" shall be added at the beginning.

RULE 204

28. (i) Rule 204 shall be renumbered as sub-rule (1) of that rule and the following shall be added as sub-rule (2) thereof, namely:—

"(2) The Budget shall be presented to the House in such form as the Finance Minister may, after considering the suggestions, if any, of the Estimates Committee, settle,"

RULE 206

29. Sub-rule (3) of rule 206 shall be omitted.

RULE 255

30. In the Explanation to rule 255, after the word "For", the word "the" shall be inserted.

RULE 269

31. In sub-rule (2) of rule 269, for the word "tendered" the word "given" shall be substituted.

RULE 273

32. In clause (vi) of rule 273, for the word "tendered", the word "given" shall be substituted.

RULE 361

33. In sub-rule (1) of rule 361, for the words "sit down", the words "resume his seat" shall be substituted.

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