

**REPORT OF THE COMMITTEE TO RECOMMEND
DRAFT RULES OF PROCEDURE UNDER CLAUSE (1)
OF ARTICLE 118 OF THE CONSTITUTION**

(Presented on the 29th November, 1963)



**RAJYA SABHA SECRETARIAT
NEW DELHI
NOVEMBER, 1963**

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PERSONNEL OF THE COMMITTEE TO P^{ingl}
DRAFT RULES OF PROCEDU^{3a}

CHAIRMAN

1. Shrimati Violet Alva

MEMBERS

2. Hafiz Mohammad Ibrahim
3. Shrimati C. Ammanna Raja
4. Shri M. P. Bhargava
5. Shri Vimalkumar M. Chordia
6. Shri R. S. Doogar
7. Shri Bhupesh Gupta
8. Shri B. D. Khobaragade
9. Shri Niranjan Singh
10. Shri Dahyabhai V. Patel
11. Shri S. D. Patil
12. Shri J. Sivashanmugam Pillai
13. Shri M. Govinda Reddy
14. Shri P. N. Sapru
15. Shri B. K. P. Sinha
16. Shri Rohit M. Dave
17. Shri Niren Ghosh
18. Shri M. Ruthnaswamy
19. Shri Sudhir Ghosh
20. Shri Nemi Chandra Kasliwal
21. Shri Nafisul Hasan
22. Shri Dayaldas Kurre
23. Shri Mahesh Saran.
24. Dr. Shrimati Seeta Parmanand
25. Shri Nand Kishore Das
26. Shri N. M. Lingam
27. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri M. S. Panigrahi, *Deputy Secretary*
5. Shri Kewal Krishan, *Under Secretary*
6. Shri Kishan Singh, *Under Secretary*

RAJYA SABHA

REPORT OF THE COMMITTEE TO RECOMMEND DRAFT RULES OF PROCEDURE UNDER CLAUSE (1) OF ARTI- CLE 118 OF THE CONSTITUTION

1. the Chairman of the Committee appointed to recommend, for the consideration of the Rajya Sabha, draft Rules for regulating, subject to the provisions of the Constitution, the Procedure and Conduct of Business in the Rajya Sabha under clause (1) of article 118 of the Constitution, having been authorised to submit the report on behalf of the Committee, present this report. Under the terms of the resolution adopted by the House on September 7, 1962 (Appendix I) appointing the Committee, the Committee was to consist of fifteen members. By virtue of the power conferred on the Chairman by the said resolution, the Chairman was pleased to add twelve more members to the Committee (Appendix II).

2. The Rules hitherto regulating the procedure and conduct of business in the Rajya Sabha are the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business in force immediately before the commencement of the Constitution, as modified and adapted by the Chairman in exercise of the powers conferred on him by clause (2) of article 118 of the Constitution. Clause (1) of the said article provides that each House of Parliament may make Rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business, and pursuant to this provision the House was pleased to appoint this Committee to recommend for its consideration rules accordingly.

3. The resolution adopted by the House on September 7, 1962, required the Committee to submit its report by February 28, 1963. The House was pleased to extend this date to August 30, 1963, at its sitting held on February 22, 1963, and again to further extend it up to November 30, 1963, at its sitting held on August 29, 1963.

4. The Committee held eleven sittings in all.

5. At the first sitting of the Committee held on February 15, 1963, the Committee decided that all members of the Rajya Sabha (including the members of the Committee) should be invited to offer suggestions for amendment or modification of the existing Rules

of the Rajya Sabha. Members were accordingly requested to send their suggestions so as to reach the Rajya Sabha Secretariat by March 15, 1963. In response to this request, thirteen members sent their suggestions.

6. At its second and third sittings held on May 10, 1963, and August 23, 1963, respectively, the Committee discussed the Rules of Procedure generally.

7. At its six sittings held on October 30, October 31, November 2, November 5, November 6 and November 7, 1963, the Committee considered the Rules of Procedure, rule by rule, together with the suggestions made by members, in detail.

8. The tenth sitting held on November 23, 1963, was adjourned without transacting any business as a mark of respect to the memory of President John F. Kennedy of the United States of America and to the memory of the officers of the Defence Forces who died in an I.A.F. helicopter crash near Poonch on November 22, 1963.

9. At its eleventh sitting held on November 26, 1963, the Committee considered and adopted the Report.

10. In making its recommendations, the Committee examined the existing Rules of Procedure and Conduct of Business in the Rajya Sabha with reference to the divergences, wherever such divergences existed, between these Rules and the Lok Sabha Rules, and also in the context of the provisions contained in the Constitution relating to the powers and functions of the Rajya Sabha. Besides, the Committee had also before it the suggestions by members referred to in paragraph 5 above, notes and memoranda prepared by the Rajya Sabha Secretariat on specific points and suggestions by the Secretariat for amendment or modification of the existing Rules in the light of the experience gained in the working of the Rules.

11. The Committee noted that the present Rules of Procedure which had been in existence for nearly twelve years had worked, on the whole, satisfactorily. The Committee, therefore, applied its mind to making improvements in the said Rules consistent with the powers and functions of the Rajya Sabha. Thus, in the matter of questions, opportunities of raising discussion on matters of urgent public importance, petitions to the House, subordinate legislation, etc., the Committee, in formulating its recommendations, took the view that both the Houses should have equal rights.

12. The recommendations of the Committee may be divided into two broad categories:

- (1) Modifications in the existing Rules which are of a verbal, drafting or clarificatory nature.
- (2) Modifications which alter the existing Rules or introduce new provisions.

The Committee has not thought it necessary to refer in detail in this Report to the first category of recommendations because the modifications proposed are self-explanatory. In regard to the second category of recommendations, detailed explanatory notes are given hereafter:

Rule 2 (Existing rule 2)—Definitions.—The Committee has recommended the insertion, within brackets, of the expressions "Rajya Sabha" and "Lok Sabha" after "Council of States" and "House of the People" wherever they occur in the rule.

The Committee has also proposed the addition of a definition of "Precincts of the Council". This definition is considered necessary particularly in view of the provision contained in sub-rule (3) of rule 256 (existing rule 216).

Rule 5 (New)—Oath or affirmation.—A specific rule has been proposed providing for making or subscribing an oath or affirmation under article 99 of the Constitution at the commencement of a sitting of the Council. This incorporates the existing practice.

Rule 23 (Existing rule 22).—While proposing no change in the rule in its present form, the Committee observed that in regard to "No-day-yet-named-motions" admitted by the Chairman, some suitable procedure, outside the Rules of Procedure, should be evolved for determining which particular motions might be taken up for consideration and in what order of precedence during each session.

The Committee also expressed the view that Government should so arrange its business in the two Houses, particularly in the matter of introduction of Bills, that there would be an even flow of work as between the two Houses. It was felt that the present position in regard to arrangement of Government business in the Rajya Sabha was not satisfactory.

The Committee recommends that the Chairman may be pleased to direct appropriate steps being taken in both these matters.

Rule 24 (Existing rule 23).—The main change proposed by the Committee in the rule is to provide in the rule itself that every

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Rules 33, 34, 35 and 36 (Existing rules 28D)

Under the existing rules, the Business Advisory Committee is required to allocate time only for Government Bills, and power has been given to the Chairman to assign to the Committee such other functions as he may consider necessary. The Committee has modified these rules, widening the functions of the Business Advisory Committee so as to include specifically allocation of time for business other than Government Bills.

Rule 37 (Existing rule 28H).—The existing rule has been modified so as to give authority to the Chairman to vary the allocation of time order after taking the sense of the Council instead of leaving it to the Leader of the Council to make a request in this behalf.

Rule 38 (Existing rule 29).—At present only four days in a week (Monday, Tuesday, Wednesday and Thursday) are allotted for questions. The Committee has proposed that the first hour of every sitting should be available for questions.

Rule 47 (Existing rule 37).—The Committee has proposed the addition of the following two new conditions of admissibility of questions:—

- “(i) it shall be clearly and precisely expressed;
- (ii) it shall not ask for information on matters which are under the consideration of a Parliamentary Committee.”

Rule 52 (Existing rule 42).—A proviso has been proposed to be added to the existing rule to permit a Minister, if he so represents to the Chairman, to give an oral answer to a question of special public interest at the end of the Question Hour if that question has not been reached for oral answer earlier.

Rule 58 (Existing rule 47).—In considering the rule, the Committee took note of a general feeling among members that the existing procedure by which a Minister had the final say in regard to answering short notice questions had often worked to the disadvantage of members and that the rule should, therefore, be modified so as to vest final authority in the Chairman in this regard. The Committee gave earnest and detailed consideration to this matter and decided to recommend, as a compromise, the incorporation of a new sub-rule [sub-rule (3) of Rule 58] empowering the Chairman to direct that where a Minister intimated his inability to answer

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Rule 256 (List of Rules 216).—Sub-rule (2) of existing rule 216 has been modified specifically to provide that there shall be no amendment, adjournment or debate on a motion for the suspension of a member.

The existing sub-rule provides that the suspension shall be for the remainder of the session. This, it was considered, might lead to undue hardship, especially in a case if such suspension were to be ordered at the commencement of a session. The Committee has, therefore, further modified the rule so as to enable suspension for a lesser period.

13. The Committee considered whether special rules should be made regulating the procedure in respect of Bills seeking to amend the Constitution. After careful consideration, the Committee came to the conclusion that the present practice and procedure had worked satisfactorily and that it was unnecessary to make specific provision for the purpose.

14. The Committee considered the question of making rules relating to secret sittings of the House. In this case also the Committee decided that no rules need be made. If occasion should arise for such sittings, the Chairman has the requisite powers under the rules to issue appropriate directions.

15. A proposal for inclusion in the Rules of a provision regulating the procedure regarding allegations of a defamatory or incriminatory nature by a member against any person was also considered by the Committee. The Committee decided that it was not necessary to have such a provision.

16. The Rules as recommended by the Committee are appended to this report for the consideration of the House.

NEW DELHI,
November 26, 1963.

VIOLET ALVA
Chairman.

NOTES BY MEMBERS OF THE COMMITTEE

I

I would suggest that new rule 58 (short notice questions) should be redrafted as follows:—

“58. A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that such question shall be answered on a day fixed by the Chairman.”

NEW DELHI;

VIMALKUMAR M. CHORDIA

The 22nd November, 1963.

II

Sub-rule (3) of rule 58 of the proposed Draft Rules provides that a short notice question, which is not admitted for answer at short notice, “might be placed as the first question on the list of questions for the day.....”. Since the questions list is rarely completed and a number of questions are left unanswered (in fact, we have hardly 8 or 10 questions a day), if the time of the Question Hour is consumed by what is expected to be a short notice question, it would act unfairly on members who take the trouble of giving a notice of question. I would, therefore, suggest that instead of the words “be placed as the first question”, the words “might be answered after the list of questions for the day is over” should be substituted, so that such questions may be answered in the same manner as short notice questions are usually answered.

I also suggest that some method either through notice of privilege or otherwise should be devised to enable members to point out inaccurate or erroneous answers given by the Ministers to questions.

NEW DELHI;

DAHYABHAI V. PATEL

The 25th November, 1963.

III

1. Under the existing rule 189 (new rule 225) on the prorogation of a session all pending notices except with regard to Bills lapse

Notice has to be given for the next session. I am not in agreement with the continuance of this rule. The Lok Sabha has changed its rule in this connection. These notices of resolutions or motions which have been moved but not fully discussed or amendments do not lapse as is the case here. More than once it has been found that a resolution, for which there was not sufficient time for discussion, either could not be moved or if moved there was not adequate discussion. Rule 189 is a hard rule and should be deleted.

Moreover, it will be seen that under new rule 226 any business pending before a Committee shall not lapse by reason of the prorogation of the Council. Why should the rule be applicable to the Committees of the Council but not to the Council is difficult to appreciate.

2. I am not in agreement with the present practice that in the case of a Constitution Amendment Bill each clause or schedule shall be put to the vote separately and must receive the majority of the total membership of the Council and of not less than two-thirds of the members present and voting. The Constitution does not warrant such a procedure. Moreover, it is such a waste of time. It is sufficient if the special majority is obtained at the consideration stage and at the passing stage of such a Bill. The enacting formula and the title of the Bill also need not receive special majority. In the case of clauses, schedule, title and enacting formula, a simple majority is enough.

3. I am against the introduction of a provision for 'Calling Attention to matters of urgent public importance'. The Council need not be a duplication of the House of the People.

There are adequate provisions in the Council Rules for discussion of urgent matters. Short notice questions should be more liberally admitted. Moreover, a new rule is being proposed for discussion on matters of urgent public importance.

NEW DELHI;

N. C. KASLIWAL

The 26th November, 1963.

IV

Under article 118, the Constitution empowered the Rajya Sabha to frame the rules for regulating its procedure and conduct of business. The Rajya Sabha first came into existence early in 1952, but it is only in the year 1963 that the rules of procedure and conduct of business of the House are being revised and modified. That

this task should have been carried out by the Chairman of the Rajya Sabha does not make a happy commentary. I wish the task was undertaken much earlier. I am sure the Commission is not at all consulted and I would like a convention to be held.

2. All these ten years the Rajya Sabha has been functioning under the rules that were in operation before the Deputy Chairman of the Opposition. As a matter of fact, most of the case of Lok Sabha members lying concept behind them were inherited from the British. At that time the situation was entirely different. I have therefore, to be said that between 1952 and 1963 the Rajya Sabha suffered from certain limitations arising out of the fact that the Chairman of the Rajya Sabha, other Presiding Officers, the hon. Members and the Rajya Sabha Secretariat—all made, in their own way, co-operative efforts to make the best of the bargain in order to improve, by conventions and otherwise, the functioning of the Rajya Sabha and bring it somewhat in line with the requirements of the changed times.

3. The eleven years of Rajya Sabha have brought to light certain serious drawbacks and lacunae in the rules of procedure and conduct of the business of the House. As a result, the Rajya Sabha has had to face serious difficulties and occasionally even frustration from the point of view of service to the people and the country in the true spirit of people's mandate and of democracy. It was expected that while revising and framing the rules, every effort would now be made to so reorientate the basic approach and formulate the rules of procedure and conduct of business of the House that the House increasingly assumed, within its constitutional and political limitations, the role of a powerful tribune of our people. I regret to say that despite all the improvements—some undoubtedly important—that have been made in the revised rules, there is much that would still be desired. I say this thing not to minimise the contributions the Committee has made, but to emphasise what in the future those who would take our place might be called upon to do.

4. The prevalent tendency to unduly rely on the practices of the British House of Commons or of the Legislatures of the unfree India would seem a political anachronism in our present context. We are in the formative period of our parliamentary institutions and we live in a vastly changed world compared to the days when the rules and conventions, shall we say of the British House of Commons, grew. Besides, our own traditions and our social and economic set-up are equally greatly different from those of English society. This is partly acknowledged even in our Constitution. I

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...masses. I regret that in formulating our rules these considerations
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...which the Rajya Sabha should open a new chapter and conduct
...itself. I hope time and experience will make the hon. Members
...of the House realise that in this matter, as in others, we need to
...build a radical and one hundred per cent. popular approach, if at
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...cracy and social justice. The efforts in this direction are all the
...more called for in the case of our House which is indirectly elected
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...stitutional weaknesses. We need extra vigour to make up for the
...weakness on this score.

5. Below I am making some observations on some important
...aspects of the rules of procedure and conduct of business, leaving
...out, however, relatively less important matters. Let me proceed
...in the order of the Chapters.

CHAPTER II

6. I am of the opinion that the manner of election of the Deputy
...Chairman is unsatisfactory. The election should be by secret ballot
...and there is considerable substance in the argument that no one
...should be elected to occupy this post unless he or she gets the
...support of at least a bare majority of the members of the Sabha. I
...am not also in favour of one person continuing in this Office for a
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or re-election as the Deputy Chairman of the Rajya Sabha second term. We have also noted with regret that in the course of election to this office, the Opposition is not at all consulted by the ruling party. For our part we would like a convention to grow whereby the candidate for the post of Deputy Chairman of the Rajya Sabha is nominated from amongst the members of the Opposition. It may be mentioned here that in the case of Lok Sabha the Deputy Speaker was once elected from amongst the members of the Opposition though this practice has now been given up for reasons never explained. Anyhow, there should be a definite convention to ensure that the office of the Deputy Chairman is filled after due consultations between the ruling party and the parties and groups in the Opposition. This will not only enhance the dignity and prestige of this important office but will contribute generally to the heightening of stature of the House as a whole.

CHAPTER V

7. At present, the Chairman can reject amendments to the President's Address without assigning any reason. I think this is not a very healthy and encouraging practice. The reasons for disallowing an amendment, in my view, should be given by the Chairman. This will enable the member to know why his amendment has been rejected. The apprehension of arbitrariness in the matter will thus be considerably reduced.

CHAPTER VI

8. In arranging the Government business of the House, the Chairman is expected to consult the Leader of the Council before giving directions to the Secretary. Our general experience has been that in point of fact the Leader of the House is hardly found to be in the picture. Any way, the Leader never consults the leaders of the Opposition Groups. I wish the provision was that the Chairman may not only consult the Leader of the Council but also the leaders of the various Opposition parties and groups. The principle should be that the business of the House should be settled, as far as possible, in a collective way and by taking into account the convenience of all.

CHAPTER VII

9. The Question Hour is a very important feature of the work of the House. We can claim a measure of satisfaction that we, the Members of the House, with understanding and sympathy on the

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CHAPTER VII

9. The Question Hour is a very important feature of the work of the House. We can claim a measure of satisfaction that we, the Members of the House, with understanding and sympathy on the

part of the Chair, have made the Question Hour useful, effective and, I believe, also interesting. I must add here that in this respect the Rajya Sabha Secretariat has also made its own positive contribution. What was needed now was to carry forward what we have already achieved. But I regret that in this respect the majority of the members of the Committee seem to have suffered some needless apprehensions and, if I may add, also from conservatism. Although in the course of years there has been a relaxation of the rigidity in the matter of admitting questions, the situation, I am afraid, is still far from satisfactory. I find that the Secretariat sometimes takes upon itself rather too much in advising the Chair to disallow questions. For this, partly the rules governing the admissibility of questions, i.e., the existing rule 37, is responsible. While formulating questions, one is surrounded, as it were, by a large number of rules and sub-rules. Further, these admit of different interpretations depending on who deals with the questions and on his knowledge of public affairs as well as his general outlook. The question may be disallowed on the ground that it contains a defamatory statement even under the revised rules, but whether a statement is defamatory or not is a matter which would call for judicial determination. One can understand if there is a patently defamatory accusation, but no question should really be disallowed just because some one thinks that it sounds like a defamatory statement. Strictly speaking, questions relating to malpractices and corruption on the part of officials and others can all be rejected on the ground that they are defamatory statements. Fortunately, this is not always done, but it has also to be remembered that sometimes on such ground inconvenient questions get disallowed. I think there is really no need for the new rule 47(2)(iv). It would seem highly debatable which expressions are really "inferences, ironical expressions or imputations or epithets". The proposed rule forbids asking question as to the character or conduct of any person except in his official and public capacity. It is very difficult to make a distinction between official or public capacity on the one hand and private capacity on the other, specially in respect of Ministers and the officers of the Government and other public men, because a conduct which would seem ostensibly in private capacity might very well have serious public implications. For example, the ex-British War Minister, Mr. Profumo, used to visit Miss Christine Keeler not in an official or public capacity but in an intimately private capacity. Not even the conservative British Parliament would rule out a question in such cases. In fact, this private conduct led not only to the downfall of the War Minister but nearly brought down the Conservative Government. Suppose a gentleman of the big business, against

whom serious cases of swindle, defalcation of public funds and foreign exchange violations are pending, invites a Minister to a private party given by him and the Minister attends that party in his private capacity, will that be regarded as something which does not bring his conduct within the ambit of the Parliamentary question? In my opinion it is the duty of the members to ask such questions. Hence it is difficult to draw a line between public and private life in such matters. Officials and public men should be open to the constant vigilance of the people and hence their conduct should be eminently subject to public scrutiny and interpellations in Parliament. There is no justification for the restraint under rule 47(2) (xii) for a charge of personal character. It may have a serious public connotation. Clause (xiii) of this rule should have been deleted, because it is for the Minister to say whether the question is one of policy too large to be dealt with within the limits of an answer. The present restraint may come in the way of eliciting information on important questions of policy which may easily be answered in reply to the questions in Parliament. The Ministers should not be given much scope for evading answers to questions.

10. The Government of India finances and otherwise helps many institutions and bodies and in my view questions in regard to them should not be restricted to those bodies and persons which are "primarily responsible to the Government of India", for, here the issue is the action on the part of the Government.

11. New sub-rule (xxi) would disallow questions which refer discourteously to a friendly foreign country. This again is open to very wide interpretations. It may well be that the country which is supposed to be friendly is indulging in a very unfriendly act with regard to a particular matter of vital concern to our country. Why should there be in such a case restraint on asking questions about such foreign countries in regard to that particular action even if the wording of the question may not be particularly courteous?

12. New sub-rule (xxii) disallows such questions as seek information about matters which are in their nature secret. But here it is the Secretariat and the Chairman who will decide what is in its nature secret or not; and they are not the Government. This may result in many questions being unjustly rejected. It should be left to the Minister to satisfy the House, and not to answer a question which really relates to matters which should be kept secret in the public interest or in the interest of the country. I think wide powers are given here for disallowing questions on this ground. Our experience is that the Government indulges in needless secretiveness and sometimes questions are disallowed although hardly any

secrecy is involved. The practice should have been discouraged by amending the rule. Recently overmuch secretiveness in defence matters has been criticised in both the Houses of Parliament.

13. At present considerable reluctance is noticed on the part of the Government to take the House into confidence in regard to matters which are the subject-matter of correspondence between the Government of India and the Government of a State even though the public interest may justly demand that the House be taken into confidence. The new rule 48 retains that restriction to the disadvantage of the House. This rule should have been modified.

14. I am of the view that the rules relating to the admissibility of questions should have been liberalised, leaving the matter to the good sense of the hon. Members of the House. The practice of bracketing members in regard to questions for oral answers should be more and more used but without affecting the individual quota of three questions for each member. It is also necessary that questions are not rejected on technical grounds, and the Secretariat should be in constant touch with the members to avoid such a situation or even to formulate questions in such a way that they become admissible. This is necessary particularly in the case of new hon. Members. Generally, Ministers giving what may appear to be evasive answers to questions or bypassing the main points in the question put to them are not called to account. This at least is one of the indulgences that should be denied to them. In the matter of questions and answers, the rules should definitely operate in favour of the hon. Members of the House asking questions. Public interest demands this.

15. With regard to Short Notice Questions, normally the Ministers should be obliged to answer them unless they can satisfy the Chairman that it is not reasonably possible for them to do so at short notice. In case the Minister so satisfies the Chairman and declines to answer the question at short notice, the question may be taken up at an early available date after the Question Hour. There should be no impingement on the normal Question Hour. Anyhow, the Ministers should not just be free to decline to answer short notice questions without assigning proper reasons to the Chair. The Chair may kindly inform the Member concerned of the same. I wish this was provided in the revised rules.

CHAPTER VIII

16. I welcome that any day would now be available for raising half-an-hour discussion. Even now two days are available, but

there are very few discussions of this nature in the House. The main problem here is to admit a larger number of motions for half-an-hour discussion and to see that this rule becomes actually operative. We should have at least one half-an-hour discussion every week on an average; the more the better.

CHAPTER IX

17. This Chapter deals with legislation. The first point that I wish to make in this connection is that a larger number of Bills should be introduced in the Rajya Sabha. This will facilitate the work of Parliament as a whole and bring about better adjustment between the two Houses in legislative work. It will be regretted that despite repeated requests by the hon. Members that more Bills should be introduced, little has been done to improve matters. We have to wait without business, because most of the Bills are introduced in the Lok Sabha and we cannot take them up before the other House has dealt with them. I am fully conscious of the special position of the Lok Sabha in our parliamentary set-up; but it is possible to have a better adjustment in regard to introduction of Bills without in any manner detracting from the stature of that directly elected House. But this question has to be settled by and large by mutual agreement and through conventions. The practice of rushing through important Bills towards the fag end of a session must at all costs be discouraged. Similarly, more time should be given to discussion on important Bills.

18. There are certain categories of Bills which require the sanction of the President, but such sanction should be conveyed through the Rajya Sabha Secretariat rather than through a Minister because it may be sometimes difficult to get the Minister in time to secure the required sanction. Besides, it cannot be ruled out that the Minister may be prejudiced against the Bill and may come in the way of securing the consent.

19. The new rule 96(vii) should have been deleted. Whether an amendment is frivolous or meaningless is a matter of opinion and taste and this should be left to the members. It is always open to the House to reject an amendment. Certain titles of the Bills, for example, are highly misleading and the spade is not called a spade. If a proper amendment is given to correctly describe the quality and the substance of the Bill, that should not be rejected on the plea that the amendment is "frivolous" or "meaningless". For example, the so-called "Preventive Detention Act" may more appropriately be called the "Suppression of Fundamental Rights Act". More instances of this nature can be cited from experience. The tendency

to reduce time for discussion on a Bill should be discouraged and, if necessary, the House should sit longer hours.

CHAPTER X

20. I welcome the new Chapter X which deals with petitions. This will considerably improve the position of the House.

CHAPTER XI

21. This Chapter deals with Resolutions, which is undoubtedly an important feature of the work of the House. I am afraid the rules regarding the admissibility of Resolutions are still somewhat stringent. In rule 157(iii) the words "inferences, ironical expressions, imputations" should have been deleted. In rule 157(iv), after the word "and", the following should have been added, namely, "in respect of such activity and behaviour on the part of the Ministers and other officials which are likely to have repercussions on public life or otherwise affect its standards". It is quite possible that certain activities which are ostensibly of a private nature may give rise to serious repercussions in public life or involve public standards. There is no reason why such activities should be excluded from the scope of the Resolution.

22. Rule 165(1) imposes a restriction on repetition of Resolution and the time bar is one year. It should be reduced to six months.

23. Rule 166 provides that the Resolution be forwarded to the Minister concerned, but it does not say what the Minister should do in relation to the House after having been supplied with a copy of the Resolution which has been passed. There should at least be some suggestion for an obligation on the part of the Minister concerned.

CHAPTER XII

24. The stature of the House and its place in the life of the nation much depends on how it takes up matters of public interest. The new rules 167 to 170 provide for discussion on matters of public interest. The real issue here is to make these rules operative so that more and more discussions on matters of public interest do take place in our House. Here the time factor is very important and the discussion loses much of its meaning unless it is taken up at the right moment.

Rule 175 provides for 'motion for papers'. In these 11 years not a single 'motion for papers' has been admitted and hence no question

of discussion on such a motion arose at all. The whole thing has remained a dead letter. Besides, this entire scheme seems somewhat clumsy. Anyhow, the point is to admit more and more "motions for papers" and simplify the procedure of admission, etc., so that discussion on such motions can easily take place. This rule calls for modification and improvement.

CHAPTER XIII

25. This Chapter is a welcome addition. Our House does not have provision for adjournment motions although there are Upper Houses where such adjournment motions are allowed, *e.g.*, the Upper Houses of Canada, Australia and Eire. Of course, in the House of Lords in the U.K., no such provision is there, but the Rajya Sabha is no House of Lords! Therefore, the prevalent notion that the Upper Houses cannot have any adjournment motion is wrong. It is not necessary to link up the adjournment motion always with the question of no-confidence or of the resignation of the Government. Our House has undoubtedly suffered all these years as a result of absence of provision for adjournment motion or of some effective substitute provision for raising discussion on matters of urgent public importance. Rule 176 would remove to some extent these handicaps, provided discussions under it are allowed as frequently as possible. It is hoped that this rule would not turn out to be another dead letter like the old rule about the 'motion for papers'. In this matter, I would like the Rajya Sabha not to lag in any manner behind the Lok Sabha. On the contrary, it should be our endeavour to be more alert and assertive in taking up discussion under this rule and making the rule a really living one.

CHAPTER XIV

26. This Chapter provides for calling attention to matters of urgent public importance. This, again, is a welcome addition and removes another serious gap in the existing rules of procedure and conduct of business in the House. Needless to say, as in the other cases, here also the real question is one of operating the rule in public interest. It is earnestly hoped that the rules under Chapters XIII and XIV would go considerably to enhance the role of the House as well as its stature in the eyes of the people. Practice and conventions will have their part to play.

CHAPTER XVI

27. It deals with the question of privilege. Hon. Members of Parliament are public workers and in my view they should not be

needlessly touchy about what is said or written about them outside. We, as the members of Parliament, should stand the search-light of public criticism even if that may seem very uncharitable and inconvenient at times, because in the final analysis public criticism is a corrective and the people can easily judge whether any criticism or observations about a member of Parliament are just or unjust. At the same time, some kind of protection is perhaps necessary against absolutely malicious and malevolent interference with the functions of a member of Parliament. I, for one, would not like our Press to be hauled up before Parliament on a charge of breach of privilege unless it is absolutely essential. The freedom of the Press should be cherished to the maximum possible extent. The Press should be relieved of the present fear from which it suffers in regard to privilege matters. At the same time, any gross distortion and misreporting by any newspaper should be corrected by the Chair on behalf of any member of the House or of the House as a whole.

28. Should any occasion arise for raising a privilege issue, this should be done always invariably on the floor of the House. If it is done privately in the Chamber, nobody would know about it. It is important to make an alleged breach of privilege known to the public. When under rule 203 the Chairman refers any question of privilege to the Committee of Privileges for examination, investigation and report, the rule should have provided for a reference of the same to the House. When one is hauled up on a question of breach of privilege, he should be given all opportunities, including representation by lawyers, before the Privileges Committee. It may well be that the person so charged is not in a position to face the august Committee of the House on his own and there may be many technical matters, including legal matters which may be difficult for him to tackle. The point is that while protecting the privileges of the members of the House or the House itself, the rights of the citizens should not in any manner be less respected. Normally, after the Question Hour a member should be allowed to raise an issue of privilege with the prior knowledge of the Chairman instead of "with the consent of the Chairman". The idea is to get at once the House seized of the matter.

CHAPTER XIX

29. It provides for amendments to the rules. I wish there was a provision for the Committee to meet at least once during every session in order to review the operation of the rules of procedure and conduct of business in the House, and to hear criticisms and suggestions from the members with a view to ensuring, not merely in theory but in practice, their full rights and privileges. I should have

liked that it was open to the members of the Rules Committee to point out errors in judgements on the part of the Presiding Officer so that the same may be avoided. This would ensure better assimilation of the collective experience of the hon. Members of the House and contribute towards improvement in its functioning. Besides, there should be some arrangement for correcting the errors, if any, of a Presiding Officer. It would seem hardly democratic or even good sense to treat a Presiding Officer as infallible. One can understand complete submission to the ruling of the Presiding Officer when the House is in the midst of its business, but that is no reason why there should not be some sort of corrective review of the rulings and judgements on the part of a Presiding Officer which may appear to be of doubtful validity. Anyhow, we should not go by attributing infallibility to anyone.

CHAPTER XXI

30. This Chapter deals with general rules of procedure. Under rule 235 I should have liked a provision which obliges a member, especially if he is a Minister, to yield to another member when a clarification is sought. The tendency on the part of the Minister not to yield is not very helpful. Rule 238(ii) should have been revised as follows:—

“shall not make a personal charge against a member without prior notice to him provided the member against whom such charges have been made will have the right to reply immediately”.

I do not see why a member should be needlessly protected against being so charged when he is in a position to reply to it. It is difficult nowadays to distinguish between what is a personal charge and what is not in the case of public workers. There was no need for sub-rule (v). Sub-rule (vi) would also seem unnecessary. This sub-rule is evidently borrowed from the practice in England where the name of the Sovereign cannot be taken. But our system is different and the President is elected. I do not think that the name of the President would necessarily influence the debate one way or the other. Sometimes the Government speaks through the President or rather the President spells out the policies of the Government. Why, in view of all these, should the President's name be tabooed in the debates? Sub-rule (vii) should have been completely deleted. It is no easy to define what is 'defamatory', 'seditious' or 'treasonable'. After all, such a decision would involve competent consideration of the relevant law.

31. There is no protection against misreporting of a speech or the conduct of a member by the Press; yet it does happen that sometimes some newspapers do indulge in such misreporting. There should have been a special rule whereby a member could invite the attention of the Chairman to any such misreporting by making a brief statement in order to set the records straight.

32. Under rule 249, the Minister should normally be compelled to lay on the Table all documents from which he quotes unless they are covered by the Official Secrets Act or in regard to which the Chairman is satisfied that the production of such documents would be inconsistent with public interest. This is necessary to protect the members against being unjustly denied the documents and papers so quoted in the House by the Ministers. The present rule weighs much in favour of the Minister.

33. Under rule 251 there should have been a clear provision that any member may rise to ask for clarification on any matter contained in the statement or otherwise relevant to the subject-matter. This is necessary in public interest.

34. Under rule 252 'Division' should be obligatory when at least 10 members demand it.

35. Under rule 256 the suspension of a member should be subject to a brief discussion for not more than one hour and the motion should have the sanction of the majority. Under no circumstance, force should be used to eject a member from the precincts of the Council. The question may arise that if a member does not obey the Chair and leave the Chamber, what has to be done? The use of force is not the decent answer. The House may briefly be adjourned for a few minutes and the moral weight of the entire House can thus be brought to bear upon the member in question so that he obeys the Chair and withdraws. The habit of using force does not bring credit to our Parliamentary institutions. Besides, such practice may give rise to very ugly scenes if a sizeable number of members refuse to yield to force. Here we should rely on moral sanction and moral authority.

36. Rule 258 should have been so worded as to make it possible to review the decision on a point of order. At present, there is no protection against a wrong decision being given. Such a decision becomes the law unless the Chairman revokes it.

37. Under rule 261 there should also have been a provision for the Chairman briefly stating the reasons for ordering expunctions. At present "defamatory" or "indecent" or "unparliamentary" or "undignified" expressions are deleted, but these are all capable of

very wide interpretation. Anyway, the words "defamatory" and "undignified" should have been deleted from the rules. Again, it is difficult to decide what is "defamatory" or not, even as it is difficult to say what is "dignified" or "undignified". All is a matter of opinion. Moreover, the context in which such remarks are made is also very important. It would have been better to leave all these to the good sense of the members. When the Chairman orders expunction, it should have been left open to the members to ask for re-consideration of the decision.

38. It is of great importance from the point of view of individual members and the House as a whole as to how its proceedings are reported in the newspapers, journals and by the All India Radio. At present the coverage of the All India Radio is definitely much too biased in favour of the Government. Sometimes by hearing the A.I.R. one gets a completely wrong impression of what has happened in the House. Some newspapers, too, display, deliberately or otherwise, a lack of objectivity in the matter of reporting the proceedings of the House. I wish there was a Committee appointed by the Chairman consisting of representatives of all parties and groups for keeping a watch on the reporting of the proceedings of the Council and for making recommendations so that such reporting becomes fair and accurate. It is necessary to guard against the work of this House being misrepresented before the public.

39. There should be proper arrangement for simultaneous translation of the speeches in the national languages and this is essential for the conduct of the business.

40. Before I conclude I should like to record my deep appreciation of the work of the Rules Committee and of the excellent team spirit in which its hon. Members have striven to discharge their responsibilities. I cannot but mention in particular the very helpful part the Chairman of the Committee and the Rajya Sabha Secretariat have played. If I have certain reservations with regard to the recommendations of the Committee, it is because of certain principles to which I firmly adhere and which I would like to be concretely embodied in the Rules of the House. Differences over such matters are understandable but we can leave the final shape of things to the test of life. I am deeply grateful to the Chairman of the Committee and to all its members for patiently considering my amendments and points of view, and this in itself is a matter of great satisfaction to me. I do hope that our collective efforts in revising the rules will prove worthy of the high traditions that we have all tried to build in all these formative years of the Rajya Sabha.

NEW DELHI;
The 27th November, 1963.

BHUPESH GUPTA.

I wish to submit that the Rule with regard to Short Notice Question in the House is not satisfactory; it leaves it to a Minister to decide whether he agrees or not to answer a question even if it is approved by the Chair. I might refer to an actual case. A Minister was asked a Short Notice Question about a matter of urgent public importance but he refused to answer the question. It was obvious that the Minister's difficulty was not the shortage of time, he just did not want to answer the question. This matter was brought to the notice of the Prime Minister and the Prime Minister who has always shown the greatest respect for Parliament came to the House himself and answered the question on behalf of the Minister who refused to answer it.

In the circumstances I have explained above, it is I think important that it should be left to the Chair and not to a Minister to decide whether a Short Notice Question should be answered or not. I believe this also applies to other questions.

NEW DELHI;
The 27th November, 1963.

SUDHIR GHOSH.

DRAFT

RULES OF PROCEDURE

AND

CONDUCT OF BUSINESS

IN THE

COUNCIL OF STATES

(RAJYA SABHA)

**As recommended by the Committee appointed under clause (1)
of article 118 of the Constitution**

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- 1. Words italicised indicate substitutions suggested by the Committee.**
- 2. Words underlined or sidelined indicate new modification suggested by the Committee.**
- 3. Asterisks indicate omissions.**

Draft
RULES OF PROCEDURE AND CONDUCT OF BUSINESS
IN THE COUNCIL OF STATES (RAJYA SABHA)

CHAPTER I

SHORT TITLE AND DEFINITIONS

1. (1) These rules may be called "The Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha)".

Short title
and com-
mence-
ment.

(2) These rules shall come into force on such date as the Chairman may appoint.

2. In these rules, unless the context otherwise requires,—

Defini-
tions.

"Chairman" or "Chairman of the Council" means the Chairman of the Council of States (Rajya Sabha);

"Constitution" means the Constitution of India;

"Council" means the Council of States (Rajya Sabha);

"Finance Minister" includes any Minister;

"Gazette" means the Gazette of India;

"House" means the House of the People (Lok Sabha);

"Houses" means the Council of States (Rajya Sabha) and the House of the People (Lok Sabha);

"Member" means a member of the Council of States (Rajya Sabha);

"Member in charge of the Bill" means in the case of a Government Bill any Minister and in any other case the member who has introduced the Bill;

"Minister" means a member of the Council of Ministers, a Minister of State, a Deputy Minister, or a Parliamentary Secretary;

"Precincts of the Council" means and includes the Chamber, the lobbies, the galleries and such other places as the Chairman may from time to time specify;

"Private Member" means a member other than a Minister;

~~Sec.~~ "Secretary" means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary.

Words and expressions used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

CHAPTER II

SUMMONS TO MEMBERS, SEATING, OATH OR AFFIRMATION AND ROLL OF MEMBERS

Summons to Members. 3. (1) The Secretary shall issue a summons to each Member specifying the date and place for a session of the Council.

(2) When a session is called at short notice or emergently, an announcement of the date and place of the session may be made in the press and members informed by telegram or otherwise.

Seating of Members. 4. The members shall sit in such order as the Chairman may determine.

Oath or affirmation. 5. A member who has not already made and subscribed an oath or affirmation in pursuance of article 99 of the Constitution may do so at the commencement of a sitting of the Council, or at such other time of the sitting as the Chairman may direct.

Roll of Members. 6. There shall be a Roll of Members of the Council which shall be signed by every member, before taking his seat, in the presence of the Secretary.

CHAPTER III

ELECTION OF DEPUTY CHAIRMAN AND PANEL OF VICE-CHAIRMEN

Election of Deputy Chairman by the Council. 7. (1) The election of a Deputy Chairman shall be held on such date as the Chairman may fix and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member

be chosen as the Deputy Chairman of the Council, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Chairman if elected:

Provided that a member shall not propose or second more than one motion.

(3) A member in whose name a motion stands in the list of business may, when called, move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Deputy Chairman of the Council.

8. (1) *The Chairman shall, from time to time, nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.* Panel of Vice-Chairmen.

(2) A Vice-Chairman nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

9. The Deputy Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules shall, when so presiding, have the same power as the Chairman when presiding over the Council and all references to the Chairman in these Rules shall in these circumstances be deemed to be references to any such person so presiding. Powers of the Deputy Chairman or other Member presiding over the sitting of the Council.

CHAPTER IV

SITTINGS OF THE COUNCIL

10. A sitting of the Council is duly constituted when it is presided over by the Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules. When is sitting of the Council duly constituted.

- Com-
mencement
of sitting. 11. Sittings of the Council shall commence at such hour
as the Chairman may direct.
- Sitting of
the Coun-
cil. 12. The Council shall sit on such days as the Chairman,
having regard to the state of business of the Council, may
from time to time direct.
- Conclusion
of sitting. 13. Sittings of the Council shall conclude at such hour
as the Chairman may direct.

CHAPTER V

PRESIDENT'S ADDRESS AND MESSAGES TO THE COUNCIL

- Allotment
of time for
discussion
of Presi-
dent's
Special
Address. 14. The Chairman * * * shall allot time for the
discussion of the matters referred to in the President's
Address to the Houses under clause (1) of article 87 of the
Constitution.
- Scope of
discussion. 15. On such day or days or part of any day, the Council
shall be at liberty to discuss the matters referred to in such
Address on a motion of thanks moved by a member and
seconded by another member.
- Amend-
ments. 16. Amendments may be moved to such motion of
thanks in such form as may be considered appropriate by
the Chairman.
- Other busi-
ness that
may be
taken up. 17. (1) Notwithstanding that a day has been allotted
for discussion on the President's Address,—
(a) a motion or motions for leave to introduce a Bill
or Bills may be made and a Bill or Bills may be
introduced on such day, and
(b) other business of a formal character may be
transacted on such day before the Council com-
mences or continues the discussion on the
Address.
(2) The discussion on the Address may be postponed in
favour of a Government Bill or other Government business
on a motion being made that the discussion on the Address
be adjourned to a subsequent day to be appointed by the
Chairman. The Chairman shall forthwith put the question,
no amendment or debate being allowed.
- Govern-
ment's
right of
reply. 18. 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 * * *

19. The Chairman may, if he thinks fit, prescribe, after taking the sense of the Council, a time limit for speeches. Time limit for speeches.

20. The Chairman may allot time for the discussion of the matters referred to in the President's Address under clause (1) of article 86 of the Constitution. President's Address under article 86 (1) of the Constitution.

21. Where a message from the President for the Council under clause (2) of article 86 of the Constitution is received by the Chairman, he shall read the message to the Council and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Chairman shall *have the power* to suspend or vary the rules to such extent as it may be necessary to do so. Messages by President.

22. When the President prorogues the Council or Houses, he may address the Council or Houses as the case may be. Prorogation of the Council.

CHAPTER VI

ARRANGEMENT OF BUSINESS

23. On days allotted for the transaction of Government business that business shall have precedence and the Secretary shall arrange that business in such order as the Chairman after consultation with the Leader of the Council may determine. Arrangement of Government business.

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Chairman is satisfied that there is sufficient ground for such variation.

24. *Every Friday shall be allotted for the transaction of private members' business:* Allotment of time for Private Members' business.

Provided that the Chairman may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence:

Provided further that the Chairman may, in consultation with the Leader of the Council, allot any day other than a Friday for the transaction of private members' business:

Provided further that if there is no sitting of the Council on a Friday, the Chairman may direct that any other day in the week may be allotted for private members' business.

Precedence
of Private
Members'
Bills.

25. (1) The relative precedence of notices of Bills given by private members shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

(2) The relative precedence of private members' Bills on a day allotted for the disposal of such Bills shall be in the following order, viz.—

- (a) Bills in respect of which the motion is that leave be granted to introduce the Bill;
- (b) Bills returned by the President with a message under article 111 of the Constitution;
- (c) Bills which have been passed by the Council and returned by the House with amendments;
- (d) Bills which have been passed by the House and transmitted to the Council;
- (e) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (f) Bills in respect of which the Report of a Joint or Select Committee has been presented;
- (g) Bills which have been circulated for the purpose of eliciting opinion thereon;
- (h) Bills introduced and in respect of which no further motion has been made or carried;
- (i) other Bills.

(3) The relative precedence of Bills falling under the same clause of sub-rule (2) shall be determined by ballot to be held at such time and in such manner as the Chairman may direct:

Provided that Bills falling under clause (h) of sub-rule (2) shall be arranged in groups in the order of their dates of introduction and relative precedence within each group shall be determined by ballot.

(4) The Chairman may by special order to be announced in the Council make such variations in the relative precedence of Bills set out in sub-rule(2) as he may consider necessary or convenient.

26. The relative precedence of notices of resolutions given by private members shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

Precedence of Private Members' Resolutions.

27. Private members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day:

Business outstanding at the end of day.

Provided that notwithstanding anything contained in rules 25 and 26 any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day.

28. (1) When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private members' business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot.

Resumption of adjourned debate on Private Member's Bill or Resolution.

(2) When the debate on a private Member's Bill or resolution is adjourned *sine die*, the member-in-charge of the Bill or the mover of the resolution, as the case may be, may, if he wishes to proceed with such Bill or resolution on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate and on receipt of such notice the relative precedence of such Bill or resolution shall be determined by ballot.

29. (1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.

List of Business.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman.

(3) Save as otherwise provided by these rules, no business requiring notice shall be set down for a day earlier

than the day after that on which the period of the notice necessary for that class of business expires.

(4) Unless the Chairman otherwise directs, not more than five resolutions (in addition to any resolution which is outstanding under the proviso to rule 27) shall be set down in the list of business for any day allotted for the disposal of private members' resolutions.

BUSINESS ADVISORY COMMITTEE

**Constitu-
tion of the
Business
Advisory
Committee.** 30. (1) The Chairman may, from time to time, nominate a Committee called the Business Advisory Committee consisting of * * * ten members including the Chairman of the Council who shall be the Chairman of the Committee.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) If the Chairman of the Council for any reason is unable to preside over any meeting of the Committee, he shall nominate a Chairman for that meeting.

**Filling of
casual
vacancies.** 31. Casual vacancies in the Committee shall be filled by the Chairman of the Council * * *.

Quorum. 32. The quorum of the Committee shall be five.

**Functions
of the
Committee.** 33. (1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Chairman of the Council in consultation with the Leader of the Council may direct for being referred to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Chairman of the Council from time to time.

**Presenta-
tion and
circulation
of the
report of
the Com-
mittee.** 34. The time-table in regard to the Bill or group of Bill or other business as settled by the Committee shall be reported by the Chairman of the Council to the Council and notified in the Council Bulletin.

35. As soon as may be after the report has been made to the Council, a motion may be moved by a member of the Committee designated by the Chairman of the Council "that this Council agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills, or other business, as the case may be," and if such a motion is accepted by the Council, it shall take effect as if it were an Order of the Council: Allocation of Time Order.

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 a motion.

36. At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill or other business, the Chairman of the Council shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business. Disposal of outstanding matters at the appointed hour.

37. *No variation in the Allocation of Time Order shall be made except by the Chairman, who may make such variation if he is satisfied after taking the sense of the Council that there is a general agreement for such variation.* Variation in the Allocation of Time Order.

CHAPTER VII

QUESTIONS

38. *Unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions.* Time for questions.

39. Unless the Chairman otherwise directs, not less than ten clear days' notice of a question shall be given. Notice of questions.

40. Notice of a question shall be given in writing to the Secretary and shall specify— Form of notice of questions.

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

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

Notice of admission of questions to Ministers.

41. Unless the Chairman otherwise directs, no question shall be placed on the list of questions for answer until five days have expired from the day when notice of such question has been given by the Secretary to the Minister to whom it is addressed.

Questions for oral answers to be distinguished by asterisks.

42. A member who desires an oral answer to his question shall distinguish it by an asterisk and if he does not distinguish it by an asterisk the question shall be printed in the list of questions for written answer.

Member entitled to oral answers to three questions on a day.

43. (1) Not more than three questions distinguished by asterisks by the same member shall be placed on the list of questions for oral answer on any one day. Questions in excess of three shall be placed in the list of questions for written answers.

(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 in the list of questions for oral answer in the order in which notices are received in point of time.

Allotment of days for oral answers to questions.

44. The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such Ministry or Ministries as the Chairman may, from time to time, provide, and on each such day, unless the Chairman with the consent of the Minister concerned otherwise directs, only questions relating to the Ministry or Ministries for which time on that day has been allotted shall be placed on the list of questions for oral answer.

Written answers to questions not replied orally.

45. If any 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, the Minister to whom the question is addressed shall forthwith lay upon the Table of the Council a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof.

Questions to Private Members.

46. A question may be addressed by a member to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible and the procedure in regard to such

questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Chairman may consider necessary or convenient.

47. (1) Subject to the provisions of sub-rule (2) of this rule, a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed. Conditions of admissibility of questions.

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

- (i) it shall be clearly and precisely expressed;
- (ii) it shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (v) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (vi) it shall not ask as to the character or conduct of any person except in his official or public capacity;
- (vii) it shall not ordinarily exceed 150 words;
- (viii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (ix) it shall not ask for information on matters which are under the consideration of a Parliamentary Committee;
- (x) it shall not ask about proceedings in a committee which have not been placed before the Council by a report from the committee;
- (xi) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

COUNCIL OF STATES

- (xii) it shall not make or imply a charge of a personal character;
- (xiii) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- (xiv) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xv) it shall not ask for information on trivial matters;
- (xvi) it shall not ordinarily seek information on matters of past history;
- (xvii) it shall not require information set forth in accessible documents or in ordinary works of reference;
- (xviii) It shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- (xix) it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (xx) it shall not relate to a matter with which a Minister is not officially connected;
- (xxi) it shall not refer discourteously to a friendly foreign country; and
- (xxii) it shall not seek information about matters which are in their nature secret.

Questions on matters of correspondence between the Government of India and the Government of a State.

48. In matters which are or have been the subject of correspondence between the Government of India and the Government of State, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of fact.

Chairman to decide admissibility of questions.

49. (1) The Chairman shall decide whether a question or a part thereof is or is not admissible under these rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of these rules.

(2) Subject to the provisions of rule 44, the Chairman may direct that a question be placed on the list of questions for answer, on a date later than that specified by a member in his notice, if he is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.

50. If in the opinion of the Chairman any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed in the list of questions for written answer:

Chairman to decide if a question is to be treated as starred or unstarred.

Provided that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for written answer.

51. 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 Chairman.

List of questions.

52. Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting:

Order in which questions shall be called.

Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Chairman if the Minister represents to the Chairman that the question is one of special public interest to which he desires to give a reply.

53. A member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice, and on such later day the question shall, subject to the provisions of rule 44, be placed on the list after all questions which have not been so postponed:

Withdrawal or postponement of questions.

Provided that a postponed question shall not be placed on the list until two clear days have expired from the time when the notice of postponement has been received by the Secretary.

Order of
asking
questions.

54. (1) When the time for asking questions arrives, the Chairman shall call successively each member in whose name a question appears in the list of questions.

(2) The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number in the list of questions.

(3) If on a question being called it is not put or the member in whose name it stands is absent, the Chairman, at the request of any member, may direct that the answer to it be given.

Questions
of absent
members.

55. When all the questions for which an oral answer is desired have been called, the Chairman 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 authorised by him.

Supple-
mentary
questions.

56. (1) No discussion shall be permitted during the time for questions under rule 38 in respect of any question or of any answer given to a question.

(2) Any member when called by the Chairman may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Chairman shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions.

Answers
not to
refer to
proceed-
ings in
House

57. An answer to a question in the Council shall not refer to the answer to a question or proceedings in the House during a current session.

Short
notice
questions.

58. (1) A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned is in a position to reply, such question shall be answered on a day to be indicated by him and at the time to be determined by the Chairman.

(3) If the Minister is not in a position to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the Council, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 39 or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary:

Provided that not more than one such question shall be accorded first priority on the list of questions for any one day.

(4) Where a member desires an oral answer to a question at shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the question shall be returned to the member.

(5) The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

(6) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Chairman may consider necessary or convenient.

59. Answers to questions which Ministers propose to give in the Council shall not be released for publication until the answers have actually been given on the floor of the Council or laid on the Table.

No publicity of answers to questions in advance

CHAPTER VIII

HALF-AN-HOUR DISCUSSION

60. (1) *The Chairman shall allot half-an-hour from 5 P.M. to 5.30 P.M. on any day for raising discussion on a matter of sufficient public importance which has been the subject of a recent question in the Council, and the answer to which needs elucidation on a matter of fact:*

Discussion on a matter of public importance arising out of answers to questions.

Provided that if the other business set down for the day is concluded before 5 P.M. the period of half-an-hour shall commence from the time such other business is concluded:

Provided further that the Chairman may vary the time of commencement of such discussion if such a course is, in his opinion, necessary or convenient.

(2) A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall shortly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signature of at least two other members:

Provided further that the Chairman may with the consent of the Minister concerned waive the requirement concerning the period of notice.

(3) The Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion.

(4) If more than two notices have been received and admitted by the Chairman, the Secretary shall hold a ballot with a view to drawing two notices and the notices shall be put down in the order in which they were received in point of time:

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any further day, unless the member so desires, in which case it shall be included in the ballot for the next available day.

(5) There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to put a question for the purpose of further elucidating any matter of fact:

Provided that if the member who has given notice is absent, any member who has supported the notice may, with the permission of the Chairman, initiate the discussion.

CHAPTER IX

LEGISLATION

I.—BILLS ORIGINATING IN THE COUNCIL

(a) Introduction and publication of Bills

61. The Chairman on a request being made to him may order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Publica-
tion before
introduc-
tion.

62. (1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and an explanatory Statement of Objects and Reasons which shall not contain argument:

Notice of
Motion for
leave to
introduce
Private
Members'
Bills.

Provided that the Chairman may, if he thinks fit, revise the Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President, the member shall annex to the notice such sanction or recommendation, conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month unless the Chairman allows the motion to be made at shorter notice.

63. The orders of the President granting or withhold- ing the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

Communi-
cation of
sanction or
recom-
menda-
tion of
President
in respect
of Bills.

64. (1) A Bill involving expenditure shall be accom- panied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non- recurring expenditure involved in case the Bill is passed into law.

Financial
Memoran-
dum to
Bills and
Money
clauses
in Bills.

(2) Clauses or provisions in Bills involving expenditure from public funds 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 Chairman may permit the member in charge of the Bill to bring to the notice of the Council such clauses.

Explanatory Memorandum to Bills delegating legislative power.

65. A Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Statement in connection with Ordinances.

66. (1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Council, there shall be placed before the Council along with the Bill a statement explaining the circumstances which had necessitated legislation by Ordinance.

(2) Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the Council, is promulgated, a statement explaining the circumstances which had necessitated legislation by Ordinance shall be laid on the Table of the Council at the commencement of the session following the promulgation of the Ordinance.

Motion for leave to introduce Bill.

67. If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes 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 Council, the Chairman may permit a full discussion thereon.

Publication after introduction.

68. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

(b) *Motions after introduction of Bills*

69. 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:—

Motion after introduction of Bills.

- (i) that it be taken into consideration; or
- (ii) that it be referred to a Select Committee of the Council; or
- (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the House; or
- (iv) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, and such objection shall prevail, unless the Chairman allows the motion to be made.

70. (1) On the day on which any motion referred to in rule 69 is made, or on any subsequent day to which the discussion thereof is postponed, the principles of the Bill and its provisions may be discussed generally, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

Discussion of principles of Bill.

(2) At this stage no amendments to the Bill may be moved, but—

- (a) if the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or
- (b) if the member in charge moves that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, any member may move as an amendment that *the Bill be referred to a Joint Committee of the Houses with the concurrence of the House or a Select Committee of the Council, as the case may be, or*

that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses unless the Chairman allows a motion to be made that the Bill be taken into consideration.

71. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

(c) *Select Committees on Bills*

72. (1) The members of a Select Committee on a Bill shall be appointed by the Council when a motion that the Bill be referred to a Select Committee is made.

(2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall ascertain whether a member proposed to be named by him is willing to serve on the Committee.

(3) Casual vacancies in a Select Committee shall be filled by appointment on a motion made in the Council.

73. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Provided that where the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

74. (1) In order to constitute a meeting of the Committee, the quorum shall be one-third of the total number of members of the Committee.

Quorum of Select Committee.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Committee shall report the fact to the Council.

75. If a member is absent from two or more consecutive meetings of the Select Committee, without the permission of the Chairman of the Committee, a motion may be moved in the Council for the discharge of such member from the Committee.

Discharge of members absent from meetings of the Select Committee.

76. Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee:

Members other than members of the Committee may be present at a meeting.

Provided that a Minister may with the permission of the Chairman of the Committee address the Committee of which he may not be a member.

77. In the case of equality of votes on any matter the Chairman of the Committee or other person presiding shall have a second or casting vote.

Casting vote of Chairman of Select Committee.

78. A Select Committee may appoint a sub-committee to examine any special points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole committee.

Power to appoint sub-committees.

Meetings
of Select
Com-
mittee.

79. The meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix:

Provided that if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister whose Ministry is concerned with the Bill, fix the date and time of a meeting.

Sittings of
Select
Com-
mittee.

80. A Select Committee may sit whilst the Council is sitting provided that on a division being called in the Council the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable members to vote in the division.

Venue of
sittings.

81. No sitting of a Select Committee shall be held outside the precincts of the Parliament House:

Provided that if in any case it is considered necessary to hold such a sitting outside the Parliament House, the matter shall be referred to the Chairman whose decision shall be final.

Notice of
amend-
ments
and pro-
cedure
generally
in Select
Commit-
tee.

82. (1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable, be the same as is followed in the Council during the consideration stage of a Bill with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

Notice of
amend-
ments by
members
other than
members
of Select
Com-
mittee.

83. When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

84. (1) A Select Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Power to take evidence or call for papers, records or documents.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interest affected by the measure before them.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

85. The examination of witnesses before a Select Committee shall be conducted as follows:—

Procedure for examining witnesses.

- (1) The Select Committee shall before a witness is called for examination decide the mode of procedure and the nature of questions that may be put to the witness.
- (2) The Chairman of the Select Committee may first put to the witness such question or questions as he may consider necessary with reference to the subject matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule.
- (3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other questions.

(4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(5) A verbatim record of proceedings of the Select Committee when a witness is summoned to give evidence shall be kept.

Printing and publication of evidence tendered before a Select Committee.

86. (1) The evidence tendered before the Select Committee under rule 85 may be made available to all members of the Select Committee.

(2) The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table of the Council.

(3) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until it has been laid on the Table of the Council:

Provided that the Chairman of the Council may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table of the Council.

Power of Chairman to give direction on a point of procedure or otherwise.

87. (1) The Chairman of the Council may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may, if he thinks fit, refer the point to the Chairman of the Council whose decision shall be final.

Power of Select Committee to make suggestions on procedure.

88. A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committees for the consideration of the Chairman of the Council, who may make such variations in procedure as he may consider necessary.

89. A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

Record of the decisions of a Select Committee.

90. (1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 79 to consider the Bill and shall make a report thereon within the time fixed by the Council:

Reports by Select Committee.

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the Council adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(4) Where a Bill has been altered the Select Committee may, if they think fit, include in their report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

(5) The report of the Select Committee shall be signed by the Chairman of the Committee on behalf of the Committee:

Provided that in case the Chairman of the Committee is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

(6) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report.

(7) If in the opinion of the Chairman of the Council a minute of dissent contains words, phrases or expressions..

which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute of dissent.

Presentation of report.

91. (1) The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

(2) In presenting a report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

Printing and publication of reports.

92. The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, and the Bill as reported by the Select Committee, shall be published in the Gazette.

(d) *Procedure after presentation of Report of a Select Committee or a Joint Committee*

Motions that may be moved after presentation of the report of a Select or Joint Committee.

93. (1) After the presentation of the final report of a Select Committee of the Council, or a Joint Committee of the Houses, on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, as the case may be, be taken into consideration:

Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for two days, and such objection shall prevail, unless the Chairman allows the report to be taken into consideration; or

(b) that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, as the case may be, be re-committed either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the * Committee to make some particular or an additional provision in the Bill; or

(c) that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, be circulated or re-circulated, as the case may be, for the purpose of obtaining opinion or further opinion thereon.

(2) If the member in charge moves that the Bill as reported by the Select Committee of the Council or the Joint Committee of the Houses, as the case may be, be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of obtaining opinion or further opinion thereon.

94. The debate on a motion that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, as the case may be, be taken into consideration shall be confined to consideration of the report of the * Committee and the matters referred to in that report or any alternative suggestions consistent with the principles of the Bill.

Scope of debate on report of Select Joint Committee.

(e) *Amendments to clauses, etc., and consideration of Bills*

95. (1) If notice of an amendment has not been given one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved:

Notice of amendments.

Provided that, in the case of a Government Bill, an amendment, of which notice has been received from the member in charge, shall not lapse by reason of the fact that the member in charge has ceased to be a Minister or a member and such amendment shall be printed in the name of the new member in charge of the Bill.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been received.

96. The following conditions shall govern the admissibility of amendments:—

Conditions of admissibility of amendments.

(i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.

99. The Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

Power of Chairman to select new clauses or amendments.

100. 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 notice of them is received.

Arrangement of amendments.

101. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made: "That this clause stands part of the Bill."

Order of amendments.

102. When a motion that a Bill be taken into consideration has been carried, any member when called upon by the Chairman may move an amendment to the Bill of which he has previously given notice.

Mode of moving amendments.

103. An amendment moved may, by leave of the Council, but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

Withdrawal of amendments.

104. Notwithstanding anything in these rules, the Chairman may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and, when the amendments relating to it have been dealt with shall put the question: "That this clause (or, as the case may be, that this clause as amended) stand part of the Bill."

Submission of a Bill clause by clause.

Postpone-
ment of
clause.

105. The Chairman may, if he thinks fit, postpone the consideration of a clause.

Schedule.

106. The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules shall follow the consideration of the original schedules. The question shall then be put: "That this schedule (or, as the case may be, that this schedule as amended) stand part of the Bill."

Clause one,
enacting
formula,
preamble
and the
title of
the Bill.

107. *Clause one, the enacting formula, the preamble, if any, and the title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question: "That clause one, or the enacting formula, or the preamble or the title (or, as the case may be, that clause one, the enacting formula, preamble, or title as amended) do stand part of the Bill."*

Power of
the Chair-
man to
correct
patent
errors and
make
consequen-
tial changes
in a Bill
as passed.

108. Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the Council.

(f) *Passing of Bills*

Passing of
Bills.

109. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the Chairman allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

110. The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

Scope of Debate.

111. When a Bill is passed by the Council, it shall be transmitted to the House for concurrence with a message to that effect.

Bills passed by Council.

(g) *Bills other than Money Bills returned by House with amendments*

112. If a Bill other than a Money Bill passed by the Council and transmitted to the House is returned to the Council with amendment, it shall on receipt be laid on the Table.

Bills returned by the House with amendment.

113. After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case any member, after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendment be taken into consideration.

Notice of motion for consideration of amendment.

114. (1) If a motion that the amendment be taken into consideration is carried, the Chairman shall put the amendment to the Council in such manner as he thinks most convenient for its consideration.

Procedure on consideration of amendment.

(2) An amendment relevant to the subject matter of the amendment made by the House may be moved, but no further amendment shall be moved to the Bill unless it is consequential upon, or an alternative to, an amendment made by the House.

115. The Council if it agrees to the amendment made by the House shall send a message to the House to that effect, but if it disagrees with that amendment or proposes further amendment or an alternative amendment, the Council shall return the Bill as amended to the House with a message to that effect.

Disposal of amendment.

Disagree-
ment be-
tween the
Houses.

116. If the Bill is returned to the Council with a message that the House insists on an amendment or amendments to which the Council has disagreed, the Houses shall be deemed to have finally disagreed as to the amendment or amendments.

(h) *Adjournment of Debate on, and withdrawal and removal of, Bills*

Adjourn-
ment of
the debate
on a Bill.

117. At any stage of a Bill which is under discussion in the Council a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.

Withdra-
wal of a
Bill.

118. The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion shall be made with reference to the Bill:

Provided that where a Bill has been referred to a Select Committee of the Council or a Joint Committee of the Houses, as the case may be, notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a Report to the Council, the motion shall be set down in the list of business:

Provided further that where a Bill has originated in the House and is pending before the Council, the member in charge shall move a motion in the Council recommending to the House that the House do agree to leave being granted by the Council to withdraw the Bill and after the motion is adopted by the Council and concurred in by the House, the member in charge shall move for leave to withdraw the Bill.

Explana-
tory state-
ment by
member
who moves
or opposes
withdraw-
al motion.

119. If a motion for leave to withdraw a Bill is opposed, the Chairman 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.

120. (1) Where any of the following motions under these rules in regard to a Bill originating in the Council is rejected by the Council, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the Council:—

Removal of a Bill from the Register of Bills.

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by a Select Committee of the Council or a Joint Committee of the Houses, as the case may be, be taken into consideration; and
- (v) that the Bill (or as the case may be, that the Bill, as amended) be passed.

(2) A Bill pending before the Council shall also be removed from the Register of Bills pending in the Council in case the Bill is withdrawn under rule 118.

(3) A private member's Bill pending before the Council shall also be removed from the Register of Bills pending in the Council in case the member in charge ceases to be a member of the Council.

II.—BILLS ORIGINATING IN THE HOUSE AND TRANSMITTED TO THE COUNCIL

121. When a Bill originating in the House has been passed by the House and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table.

Bills originating in and passed by the House and transmitted to the Council.

122. At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

Notice.

123. On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two

Motion for consideration.

days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

Discussion. 124. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principles of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principles.

Reference to Select Committee. 125. Any member may (if the Bill has not already been referred to a Joint Committee of the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the Council shall then apply.

Consideration and passing. 126. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration clause by clause and the provisions of the Rules of the Council regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.

Bill passed without amendment. 127. If the Bill is passed without amendment, a message shall be sent to the House intimating that the Council has agreed to the Bill without any amendment.

Bill passed with amendments. 128. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the House to the amendments.

Procedure consequent on consideration of amendments. 129. If the House disagrees with the amendments made by the Council or any of them, or agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the Council, the Bill as further amended shall on receipt by the Council be laid on the Table.

Appointment of time for consideration of amendments. 130. After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration.

131. (1) If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such manner as he thinks most convenient for their consideration. Procedure on consideration of amendments.

(2) Further amendments relevant to the subject matter of the amendments made by the House may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the House.

132. The Council may either agree to the Bill as originally passed in the House or as further amended by the House, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the House has disagreed. Disposal of amendments.

133. If a Bill is returned with a message intimating that the Council insists on amendments to which the House is unable to agree, the Houses shall be deemed to have finally disagreed as to the amendments. Disagreement between Houses.

134. When any of the following motions moved in the Council with reference to a Bill originating in the House and transmitted to the Council is negatived by the Council, the Bill shall be deemed to have been rejected by the Council: Rejection of a Bill.

- (i) that the Bill be referred to a Select Committee of the Council;
- (ii) that the Bill be taken into consideration;
- (iii) that the Bill as reported by Select Committee of the Council be taken into consideration; and
- (iv) that the Bill (or, as the case may be, that the Bill as amended) be passed.

III.—AUTHENTICATION AND RECONSIDERATION OF BILLS

135. When a Bill is passed by the Houses and is in possession of the Council, a copy thereof shall be signed by the Chairman, and presented to the President. Authentication of a Bill.

Provided that in the absence of the Chairman from New Delhi, the Secretary may authenticate the Bill for the Chairman in case of urgency.

Recon-
sideration
by the
Council
of a Bill
passed.

136. When a Bill which has been passed by the Houses is returned by the President for reconsideration, the point or points referred for reconsideration shall be put before the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Chairman may consider most convenient for their consideration by the Council.

CHAPTER X

PETITIONS

Petitions.

137. Petitions may be presented or submitted to the Council with the consent of the Chairman in accordance with these rules.

Scope of
petitions.

138. Petitions may relate to—

- (i) a Bill which has been published under rule 61 or which has been introduced or in respect of which notice of a motion has been received under these rules;
- (ii) any other matter connected with the business pending before the Council; and
- (iii) any matter of general public interest provided that it is not one—
 - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or quasi-judicial body or commission;
 - (b) which raises matters which are not primarily the concern of the Government of India;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available, under the law, including rules, regulations or bye-laws made by the Central Government or by an authority to whom power to make such rules, regulations or bye-laws is delegated.

139. (1) The general form of petition set out in the General Schedule, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

General form of petition.

(2) Every petition shall be couched in respectful and temperate language.

(3) Every petition shall be either in Hindi or in English. If any petition in any other language is made, it shall be accompanied by a translation either in Hindi or in English, and signed by the petitioner.

140. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by his signature and if illiterate by his thumb impression.

Authentication of signatories to a petition.

141. Letters, affidavits or other documents shall not be attached to any petition.

Documents not to be attached.

142. Every petition shall, if presented by a member, be countersigned by him.

Counter-signature.

143. Every petition shall be addressed to the Council and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

Petition to whom to be addressed and how to be concluded.

144. A member shall give advance intimation to the Secretary of his intention to present a petition.

Notice of presentation.

145. A petition may be presented by a member or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Council, and no debate shall be permitted on the making of such report.

Presentation of petition.

146. A member presenting a petition shall confine himself to a statement in the following form:—

Form of presentation.

“I beg to present a petition signed by petitioner(s) regarding.....”

and no debate shall be permitted on this statement.

**Constitu-
tion of
Committee
on
Petitions.** 147. (1) The Chairman shall, from time to time, nominate a Committee on Petitions consisting of ten members.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

Quorum. 148. The quorum of the Committee shall be five.

**Chairman of Com-
mittee on
Petitions.** 149. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

**Reference
to Com-
mittee.** 150. Every petition shall, after presentation by a member or report by the Secretary, as the case may be, stand referred to the Committee of Petitions.

**Examina-
tion and
Circula-
tion of
petitions.** 151. (1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may in its discretion direct that it be circulated. Where circulation of the petition has not been directed, the Chairman may at any time, direct that the petition be circulated.

(2) Circulation of the petition shall be *in extenso* or in a summary form as the Committee, or the Chairman, as the case may be, may direct.

**Report of
Committee
on
Petitions.** 152. (1) The Committee shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with these rules, and also whether circulation has or has not been directed.

(2) It shall also be the duty of the Committee to report to the Council on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

153. The Report of the Committee shall be presented to the Council by the Chairman of the Committee or, in his absence, by any member of the Committee.

Presentation of Report.

CHAPTER XI

RESOLUTIONS

154. A member other than a Minister who wishes to move a resolution shall give fifteen clear days' notice of his intention and shall, together with the notice, submit the text of the resolution which he wishes to move:

Notice of Resolution.

Provided that the Chairman may allow it to be entered in the list of business with shorter notice than fifteen days.

155. A resolution may be in the form of a declaration of opinion by the Council.

Form of Resolution.

156. Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest.

Subject matter of Resolution.

157. In order that a resolution may be admissible, it shall satisfy the following conditions, namely:—

Conditions of admissibility of Resolution.

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity; and
- (v) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

Chairman
to decide
admissi-
bility of
Resolu-
tion.

Moving
of Reso-
lution.

158. The Chairman shall decide on the admissibility of a resolution, and may disallow a resolution or a part thereof when in his opinion it does not comply with these rules.

159. (1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called on, move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) A member may, with the permission of the Chairman, authorise any other member in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly.

(3) If a member other than a Minister, when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the Chairman, move the resolution standing in his name.

Amend-
ments.

160. (1) After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution.

(2) If notice of such amendment has not been given one day before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved.

(3) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been given.

Time
limit of
speeches.

161. No speech on a resolution, except with the permission of the Chairman, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit.

Scope
of dis-
cussion.

162. The discussion of a resolution shall be strictly relevant to and within the scope of the resolution.

RULES OF PROCEDURE

163. (1) A member in whose name a resolution stands on the list of business may, when called on, withdraw the resolution in which case he shall confine himself to a mere statement to that effect.

Withdrawal of Resolution and amendment.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Council.

(3) If a resolution which has been admitted is not discussed during the session it shall be deemed to have been withdrawn.

164. When any resolution involving several points has been discussed, the Chairman may divide the resolution, and put each or any point separately to the vote, as he may think fit.

Splitting of Resolution.

165. (1) When a resolution has been moved no resolution or amendment raising substantially the same question shall be moved within one year from the date of the moving of the earlier resolution.

Repetition of Resolution.

(2) When a resolution has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

166. A copy of every resolution which has been passed by the Council shall be forwarded to the Minister concerned.

Copy of Resolution passed to be sent to Minister.

CHAPTER XII

MOTIONS ON MATTERS OF PUBLIC INTEREST AND "MOTION FOR PAPERS"

167. Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

Discussion on a matter of public interest by motion.

168. Notice of the motion shall be given in writing addressed to the Secretary.

Notice of a motion.

Condi-
tions of
admissi-
bility of
a motion.

169. In order that a motion may be admissible it shall satisfy the following conditions, nemly—

- (i) it shall raise substantially one definite issue;
- (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;
- (iv) it shall be restricted to a matter of recent occurrence;
- (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;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session; and
- (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

Chairman
to decide
admissi-
bility of a
motion.

170. The Chairman shall decide on the admissibility of a motion and may disallow a motion or a part thereof when in his opinion it does not comply with these rules.

Circula-
tion of
No-Day-
Yet-Named
Motions.

171. *If the Chairman admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Council Bulletin with the heading "No-Day-Yet-Named Motion".*

Allotment
of time
for
discus-
sion of
motions.

172. The Chairman may after considering the state of business in the Council and in consultation with the Leader of the Council allot a day or days or part of a day for the discussion of any such motion.

Chairman
to put
question at
the appoin-
ted time.

173. The Chairman shall at the appointed hour on the allotted day, or as the case may be, the last of the allotted days forthwith put every question necessary to determine the decision of the Council on the original question.

Time limit
for
speeches.

174. The Chairman may, if he thinks fit, prescribe a time limit for speeches.

MOTION FOR PAPERS

175. (i) Any Member desirous of raising discussion on a matter of urgent public importance may give notice of a motion "for papers" and specify clearly and precisely the matter to be raised. ^{Motion for Papers.}

(ii) If the Chairman is satisfied after calling for such information from the member who has given notice and from the Minister as he may consider necessary that the matter is urgent and of sufficient importance to be raised in the Council at an early date he may admit the motion and fix the date on which such motion may be taken up and allot such time for its discussion not exceeding three hours as he may consider appropriate in the circumstances:

Provided that, if an early opportunity is otherwise available for the discussion of the proposed matter the Chairman may refuse to admit the motion.

(iii) If, at the end of such a discussion the motion is not by leave of the Council withdrawn or the Minister states that there are no papers to be laid on the Table or if the papers are available they cannot be laid on the Table on the ground that it will be detrimental in the public interest to do so, it will be open to any member to move an amendment, recording the opinion of the Council on the matter, in such form as may be considered appropriate by the Chairman.

(iv) An amendment, if moved, will be put to the Council without discussion unless the Chairman in his discretion thinks fit to allot further time for the elucidation of any matters arising out of the amendment.

(v) In other respects rules governing the admission and discussion of a motion "for papers" shall be the same as for motions on matters of public interest with such modifications as the Chairman may consider necessary or convenient.

CHAPTER XIII

DISCUSSION ON MATTERS OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION

176. Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised. ^{Notice of raising discussion.}

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members.

Chairman
to decide
admissi-
bility.

177. If the Chairman is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two and a half hours, as he may consider appropriate in the circumstances:

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Chairman may refuse to admit the notice.

No
formal
motion.

178. There shall be no formal motion before the Council nor voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to take part in the discussion.

Time limit
for
speeches.

179. The Chairman may, if he thinks fit, prescribe a time limit for speeches.

CHAPTER XIV

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

Calling
attention
to matters
of urgent
public im-
portance.

180. (1) A member may, with the previous permission of the Chairman, 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.

(2) There shall be no debate on such statement at the time it is made.

(3) Not more than one such matter shall be raised at the same sitting.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Chairman, more urgent and important.

(5) The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the Council.

CHAPTER XV

PROCEDURE IN FINANCIAL MATTERS

181. (1) *The Annual Financial Statement or the Statement of the estimated Receipts and Expenditure of the Government of India in respect of each financial year (hereinafter referred to as "the Budget") shall be presented to the Council on such day as the President may direct.* ^{The Budget.}

(2) *There shall be no discussion on the Budget on the day on which it is presented to the Council.*

182. (1) On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council. ^{General discussion on the Budget.}

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

183. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules, as if it were the Budget. ^{Presentation of the Budget in parts.}

Business that can be taken up on a day allotted for any kind of financial business.

184. Notwithstanding that a day has been allotted for financial business a motion or motions for leave into introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the Council enters on the business for which the day has been allotted.

Explanation.—Financial business includes any business which the Chairman holds as coming within this category under the Constitution.

Provision as regards Financial Bills referred to in article 117(1) of the Constitution.

185. (1) If notice of motion for leave to introduce a Bill making provision for any of the matters specified in clause (1) of article 117 of the Constitution is received the Chairman may direct that it should not be included in the list of business.

(2) On a Bill being put down for introduction a member may at that stage or at any subsequent stage take objection that the Bill is a financial Bill within the meaning of clause (1) of article 117 of the Constitution and should not be introduced in the Council.

(3) If the Chairman holds that the Bill is a financial Bill within the meaning of clause (1) of article 117 of the Constitution, he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the register of Bills pending in the Council.

(4) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker and if there is no agreement between the Speaker and the Chairman, the Chairman shall report the matter to the Council and take the sense of the Council as to whether they wish to proceed further with the Bill.

Money Bills.

186. (1) A money Bill passed by the House and transmitted to the Council shall, as soon as may be, be laid on the Table.

(2) The Chairman in consultation with the Leader of the Council shall within two days of the Bill being so laid on the Table allot a day or days or part of a day for the completion of all or any of the stages involved in the consideration and return of the Bill by the Council including the consideration and passing of amendments, if any, to the Bill.

(3) When such an allotment has been made, the Chairman shall at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put all the questions necessary to dispose of the outstanding matters in connection with the stage or stages for which a day or days or part of a day has been allotted.

(4) After the motion that the Bill be taken into consideration has been carried, the Bill shall be taken up clause by clause. At this stage amendments to be recommended to the House may be moved to the Bill and the provisions of the Rules of the Council regarding consideration of amendments to Bills shall apply.

(5) After the Bill has been considered clause by clause and the amendments, if any, have been disposed of, the member in charge of the Bill shall move that the Bill be returned.

(6) When the motion that the Bill be returned has been carried, the Bill shall be returned to the House, in the case where the Council does not make any recommendations, with a message that the Council has no recommendations to make to the House in regard to the Bill, and in the case where any amendments have been recommended by the Council, with a message intimating to the House the amendments so recommended.

(7) On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that a Bill is a money Bill within the meaning of article 110 and should not be proceeded with in the Council, the Chairman shall, if he holds the objection valid, direct that further proceedings in connection with the Bill be terminated.

(8) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker whose decision on the question shall be final in accordance with clause (3) of article 110 of the Constitution.

CHAPTER XVI

QUESTIONS OF PRIVILEGE

187. Subject to the provisions of these rules, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member, or of the Council or of a committee thereof. Question of privilege.

Notice of
question of
privilege.

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

Conditions
of admissi-
bility of
question
of pri-
vilege.

189. *The right to raise a question of privilege shall be governed by the following conditions:—*

(i) *the question shall be restricted to a specific matter of recent occurrence;*

(ii) *the matter requires the intervention of the Council.*

Mode of
raising a
question
of pri-
vilege.

190. (1) The Chairman, if he gives consent under rule 187 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege make a short statement relevant thereto:

Provided that where the Chairman has refused his consent under rule 187 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places and if not less than twenty-five members rise accordingly, the Chairman shall intimate that leave is granted. If less than twenty-five members rise, the Chairman shall inform the member that he has not the leave of the Council.

191. If leave under rule 190 is granted, the Council may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made by the Leader of the Council or, in his absence, by any other member.

Reference to Committee of Privileges.

192. (1) The Chairman shall, from time to time, nominate a Committee of Privileges consisting of ten members.

Constitution of Committee of Privileges.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

Committee of Privileges.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

193. (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee.

Chairman of Committee of Privileges.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

194. The quorum of the Committee shall be five.

Quorum of Committee.

195. (1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

Examination of the question by Committee.

(2) Subject to the provisions of sub-rule (1) of this rule, the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

196. (1) The Committee of Privileges shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Evidence before Committee of Privileges.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman, whose decisions shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the *Secretary* and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

Sittings
of Com-
mittee of
Privileges.

197. (1) As soon as may be after a question of privilege has been referred to the Committee of Privileges, the Committee shall meet from time to time and shall make a report within the time fixed by the Council:

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented within one month of the date on which reference to the Committee was made:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report shall be signed by the Chairman of the Committee on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose any other member to sign the report on behalf of the Committee.

Presenta-
tion of
report.

198. The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

199. As soon as may be, after the report has been presented, a motion in the name of the Chairman of the Committee or any member of the Committee will be put down that the report be taken into consideration.

Consideration of report.

200. Any member may give notice of amendment to the motion for consideration of the report referred to in rule 199 above in such form as may be considered appropriate by the Chairman:

Amendments.

Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

201. After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.

Motion after consideration of the report.

202. The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the Council.

Regulation of procedure.

203. Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

Power of Chairman to refer questions of privilege to Committee.

CHAPTER XVII

COMMITTEE ON SUBORDINATE LEGISLATION

204. There shall be a Committee on subordinate legislation to scrutinise and report to the Council whether the powers delegated by Parliament have been properly exercised within the framework of the statute delegating such powers.

Committee on subordinate legislation.

205. (1) The Committee shall consist of fifteen members who shall be nominated by the Chairman.

Constitution of the Committee.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

Chairman
of the
Com-
mittee.

206. (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee:

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum.

207. (1) In order to constitute a meeting of the Committee the quorum shall be five.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter, he shall have, and exercise, a casting vote.

Evidence
before
Com-
mittee.

208. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Provided that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

209. After each rule, regulation, bye-law, scheme, or other statutory instrument framed in pursuance of the legislative functions delegated by Parliament to a subordinate authority which is required to be laid before Parliament (hereinafter referred to as the "order") is so laid before the Council, the Committee shall, in particular, consider—

Duties of
Com-
mittee.

- (i) whether it is in accord with the general object of the Act pursuant to which it is made;
- (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (iii) whether it contains imposition of taxation;
- (iv) whether it directly or indirectly bars the jurisdiction of the court;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;
- (vi) whether it involves expenditure from the Consolidated Fund of India or the public revenues;
- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;
- (viii) whether there appears to have been unjustifiable delay in its publication or laying it before Parliament;
- (ix) whether for any reason its form or purport calls for any elucidation.

210. (1) If the Committee is of opinion that any order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the Council.

Report of
the Com-
mittee.

(2) If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the Council, it may report that opinion and matter to the Council.

Presentation of the Report. 211. The report of the Committee shall be presented to the Council by the Chairman of the Committee or, in his absence, by any member of the Committee.

Regulation of procedure. 212. The Committee shall determine its own procedure in connection with all matters connected with the consideration of any question of subordinate legislation in the Committee.

CHAPTER XVIII

RESIGNATION AND VACATION OF SEATS IN COUNCIL AND LEAVE OF ABSENCE FROM MEETINGS OF COUNCIL

Resignation of seats in Council. 213. (1) As soon as may be, the Chairman shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Council, inform the Council that such and such a member has resigned his seat in the Council:

Provided that when the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles, that such and such a member has resigned his seat in the Council during the inter-session period.

(2) The Secretary shall, as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council, cause the information to be published in the Gazette of India and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

Permission to remain absent from meetings of Council. 214. (1) A member wishing to obtain permission of the Council for remaining absent from meetings thereof under clause (4) of article 101 of the Constitution shall make an application in writing to the Chairman, stating the period for which he may be permitted to be absent from the meetings of the Council.

(2) After the receipt of an application under sub-rule (1) of this rule the Chairman shall, as soon as may be, read out the application to the Council and ask: "Is it the pleasure of the Council that permission be granted to such and such a member for remaining absent from all meetings of the Council for such and such a period?" If

no one dissents, the Chairman shall say: "Permission to remain absent is granted." But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

(3) No discussion shall take place on any question before the Council under this rule.

(4) The Secretary shall, as soon as may be, after a decision has been signified by the Council, communicate it to the member.

215. (1) The seat of a member shall be declared vacant, Vacation of seats in Council. under clause (4) of article 101, on a motion by the Leader of the Council or by such other member to whom he may delegate his functions in this behalf.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the Gazette of India and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

CHAPTER XIX

AMENDMENT OF RULES

216. *A Committee on Rules shall be constituted to consider matters of procedure and conduct of business in the Council and to recommend any amendments or additions to these rules that may be deemed necessary.* Rules Committee.

217. (1) The Committee on Rules shall be nominated by the Chairman of the Council and shall consist of *fifteen members including the Chairman of the Council who shall be the ex-officio Chairman of the Committee.* Composition of Rules Committee.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated. Casual vacancies in the Committee shall be filled by the Chairman as soon as possible after they occur.

(3) If the Chairman of the Council is for any reason unable to act as Chairman of the Committee he may appoint another Chairman of the Committee in his place.

(4) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum. 218. (1) In order to constitute a meeting of the Committee the quorum shall be *seven*.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

Laying of report on the Table. 219. Every report of the Committee containing its recommendations shall be laid on the Table of the Council.

Consideration of Report. 220. (1) As soon as may be after the report has been laid on the Table of the Council, a motion may be moved by a member of the Committee designated by the Chairman of the Council that the report of the Committee be taken into consideration.

(2) Any member may give notice of amendment to the motion for consideration of the report in such form as may be considered appropriate by the Chairman.

(3) After the motion for consideration of the report has been carried, any member of the Committee designated by the Chairman may move that the Council agrees, or agrees with amendment, with the recommendations contained in the report.

(4) The amendments to the rules as approved by the Council shall come into force on such date as the Chairman of the Council may appoint.

CHAPTER XX

COMMUNICATIONS BETWEEN THE PRESIDENT AND THE COUNCIL

Communications from the President to the Council. 221. Communications from the President to the Council shall be made to the Chairman by written message signed by the President or, if the President is absent from the place of meeting of the Council his message shall be conveyed to the Chairman through a Minister.

Communications from the Council to the President. 222. Communications from the Council to the President shall be made—

(1) by formal address, after motion made and carried in the Council, and

(2) through the Chairman.

CHAPTER XXI

GENERAL RULES OF PROCEDURE

Notices

223. (1) Every notice required by the rules shall be given in writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the Council Notice Office which shall be open for this purpose between the hours to be notified from time to time on every day except Sunday or a public holiday.

Notices by Members.

(2) Notices left when the office is closed shall be treated as given on the next open day.

224. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is by these rules required to be made available for the use of members.

Circulation of notices and papers to Members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time, direct.

225. On the prorogation of a Session, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session:

Lapse of pending notices on prorogation of a Session.

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution, if the sanction or recommendation, as the case may be, has ceased to be operative.

226. Any business pending before a Committee shall not lapse by reason only of the prorogation of the Council and the Committee shall continue to function notwithstanding such prorogation.

Business before Committee not to lapse on prorogation of Council.

227. If in the opinion of the Chairman, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose, or otherwise inappropriate, he may in his discretion amend such notice before it is circulated.

Power of Chairman to amend a notice.

Motions

Repetition
of motion.

228. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session.

Withdrawal
of
motion.

229. (1) A member who has made a motion may withdraw the same by leave of the Council.

(2) The leave shall be signified not upon question but by the Chairman taking the pleasure of the Council. The Chairman shall ask: "Is it your pleasure that the motion be withdrawn?" If no one dissents, the Chairman shall say: "The motion is by leave withdrawn." But if any dissentient voice be heard or a member rises to continue the debate the Chairman shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

Dilatory
motion.

230. (1) At any time after a motion has been made, a member may move that the debate on the motion be adjourned.

(2) If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.

Amendments

Scope of
amend-
ments.

231. (1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) An amendment on a question shall not be inconsistent with a previous decision on the same question.

Notice of
amend-
ments.

232. Notice of an amendment to a motion shall be given at least one day before the day on which the motion is to be considered, unless the Chairman allows the amendment to be moved without such notice.

233. (1) The Chairman may refuse to put an amendment which is in his opinion frivolous or meaningless. Selection of amendments.

(2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

Terms of the communication for conveying recommendation or previous sanction of the President

234. Every recommendation or previous sanction by the President shall be communicated by a Minister in the following terms:— Recommendation or previous sanction, how communicated.

“The President having been informed of the subject matter of the proposed Bill, Motion, Resolution or amendment accords his previous sanction to the introduction of the Bill or the moving of the amendment or recommends the introduction of the Bill or the moving of the Motion, Resolution or amendment in the Council or recommends to the Council the consideration of the Bill.”

and it shall be printed in the proceedings of the Council in such manner as the Chairman may direct.

Rules to be observed by Members

235. Whilst the Council is sitting, a member—

- (i) shall not read any book, newspaper or letter except in connection with the business of the Council;
- (ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat;
- (iv) shall not pass between the Chair and any member who is speaking;

Rules to be observed by members while present in the Council.

- (v) shall not leave the Council when the Chairman is addressing the Council;
- (vi) shall always address the Chair;
- (vii) shall keep to his usual seat while addressing the Council;
- (viii) shall maintain silence when not speaking in the Council;
- (ix) shall not obstruct proceedings, hiss or interrupt and avoid making running commentaries when speeches are being made in the Council.

Member to speak when called by Chairman.

236. When a member rises to speak, his name shall be called by the Chairman. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

Mode of addressing the Council.

237. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman:

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

Rules to be observed while speaking.

238. A member while speaking shall not—

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make a personal charge against a member;
- (iii) use offensive expressions about the conduct or proceedings of the Houses or any State Legislature;
- (iv) reflect on any determination of the Council except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Explanation.—The words “persons in high authority” mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him;

- (vi) use the President's name for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the Council.

239. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the Chairman.

Questions to be asked through the Chairman.

240. The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Irrelevance or repetition.

241. A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise.

Personal explanation.

Orders of speeches and right of reply

242. (1) After the member who moves has spoken other members may speak to the motion in such order as the Chairman may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the Chairman, to speak to the motion at any later stage of the debate.

Orders of speeches and right of reply.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once to any motion, except with the permission of the Chairman.

(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 Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided 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 Chairman.

Procedure when Chairman rises

Procedure when Chairman rises.

243. (1) Whenever the Chairman rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

(2) No member shall leave his seat while the Chairman is addressing the Council.

Closure

Closure.

244. (1) At any time after a motion has been made, any member may move, "That the question be now put", and, unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion: "That the question be now put."

(2) Where the motion: "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Chairman may allow any member any right of reply which he may have under these rules.

Limitation of debate.

245. (1) Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted, the Chairman may, after taking the sense of the Council, fix the hour at which the debate shall conclude.

(2) The Chairman shall at such appointed hour, unless the debate be sooner concluded, proceed forthwith to put all such questions as may be necessary to determine the decision of the Council on the original question.

Question for decision

Procedure for obtaining decision of the Council.

246. A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member.

247. When a motion has been made, the Chairman shall propose the question for consideration, and put it for the decision, of the Council. If a motion embodies two or more separate propositions those propositions may be proposed by the Chairman as separate questions.

Proposal and putting of question.

248. A member shall not speak on a question after the Chairman has collected the voices both of the Ayes and of the Noes on that question.

No speech after voices collected.

Papers quoted to be laid on the Table

249. If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council, he shall lay the relevant paper on the Table:

Papers quoted to be laid on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State Paper it shall not be necessary to lay the relevant papers on the Table.

250. All papers and documents laid on the Table of the Council shall be considered public.

Papers laid on the Table to be public.

Statement by a Minister

251. A statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question shall be asked at the time the statement is made.

Statement by a Minister.

Division

252. (1) On the conclusion of a debate, the Chairman shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".

Division.

(2) The Chairman shall then say: "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Chairman as to the decision of a question is not

challenged, he shall say twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the Council shall be determined accordingly.

(3) If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, 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 Council. In such a case, the names of the voters shall not be recorded.

(4) (a) If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the course provided for in sub-rule (3) above, he shall order a "Division" to be held.

(b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

(c) If the opinion so declared is again challenged, votes shall be taken by operating the automatic vote recorder or by the members going into the Lobbies.

Division by
operating
automatic
vote
recorder.

253. (1) If the opinion declared under clause (b) of sub-rule (4) of rule 252 is challenged and the Chairman decides that the votes shall be taken by operating the automatic vote recorder, he shall direct that the votes be recorded and thereupon the automatic vote recorder 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 Secretary shall present the totals of "Ayes" and "Noes" to the Chairman.

(3) The result of a Division shall be announced by the Chairman and shall not be challenged.

(4) 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 Chairman, may, with the permission of the Chairman, have his vote recorded verbally by stating whether he is in favour of or against the motion.

(5) 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 Chairman before the result of the division is announced.

254. (1) If the opinion declared under clause (b) of sub-rule (4) of rule 252 is challenged and the Chairman decides 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 call out 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.

Division
by going
into the
Lobbies.

(2) After voting in the Lobbies is completed, the Division Clerks shall hand over the Division Lists to the Secretary, who shall count the votes and present the totals of "Ayes" and "Noes" to the Chairman.

(3) The result of a division shall be announced by the Chairman and 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 Chairman, have his vote recorded either at his seat or in the Members' Lobby.

(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 Chairman before the result of the Division is announced.

(6) When the Division Clerks have brought the Division Lists to the Secretary's table, a member who has not up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman.

Withdrawal and Suspension of Members

255. The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

Withdra-
wal of a
member.

Suspension
of a mem-
ber.

256. (1) The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Chairman, he shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member (naming him) be suspended from the service of the Council for a period not exceeding the remainder of the session:

Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith quit the precincts of the Council.

Suspension of sitting

Power of
Chairman
to adjourn
Council or
suspend
sitting.

257. In the case of grave disorder arising in the Council, the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

Points of Order

Points of
order and
decisions
thereon.

258. (1) Any member may at any time submit a point of order for the decision of the Chairman, but, in doing so, shall confine himself to stating the point.

(2) The Chairman shall decide all points of order which may arise, and his decision shall be final.

Maintenance of Order

Chairman
to preserve
order and
enforce
decisions.

259. The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

Report of Proceedings

Report of
proceed-
ings of
Council.

260. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Chairman may, from time to time, direct.

V2, 91: K. NS

261. If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the Council.

Expunging of words from debates.

262. The portion of the proceedings of the Council so expunged shall be indicated by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:

Indication in printed debates of expunged proceedings.

“Expunged as ordered by the Chair.”

Admission of Officers of the House

263. Any officer of the Secretarial staff of the House shall be entitled to admission to the Council Chamber during any sitting of the Council.

Officers of the House entitled to admission to a sitting of the Council.

Admission of Strangers

264. The admission of strangers during the sittings of the Council to those portions of the Council which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Chairman.

Admission of strangers.

265. The Chairman, whenever he thinks fit, may order the withdrawal of strangers from any part of the Council.

Withdrawal of strangers.

Residuary Powers

266. All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may, from time to time, direct.

Residuary powers.

Suspension of Rules

267. Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being.

Suspension of Rules.

COUNCIL OF STATES

SCHEDULE

FORM OF PETITION

(See rule 139)

To

THE COUNCIL OF STATES (RAJYA SABHA)

The * petition of

(Here insert name and designation or description of petitioner(s) in concise form, e.g., "A.B. and others" or "the inhabitants of....." or "the municipality of....." etc.)
sheweth

(Here insert concise statement of case)

and accordingly your petitioner(s) pray that

(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in the Bill to meet the case of your petitioner(s)" or any other appropriate prayer regarding the Bill or matter pending before the Council or a matter of general public interest.)

* * * * *

Name of petitioner	Address	Signature or thumb impression

Countersignature of Member presenting

APPENDIX I

(See para 1 of the Report)

Resolution appointing the Committee to recommend Draft Rules of Procedure under Clause (1) of article 118 of the Constitution

(Adopted by the Rajya Sabha on September 7, 1962)

“WHEREAS the rules at present regulating the procedure and conduct of business in the Rajya Sabha are the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution, as modified and adapted by the Chairman of the Council of States in exercise of the powers conferred by clause (2) of article 118 of the Constitution;

AND WHEREAS it is necessary for the Rajya Sabha to make rules under clause (1) of the said article for regulating its procedure and the conduct of its business;

NOW, THEREFORE, this House do resolve that a Committee consisting of the following members, namely,—

1. Shrimati Violet Alva
2. Hafiz Mohammad Ibrahim
3. Shrimati Ammanna Raja
4. Shri M. P. Bhargava
5. Shri Vimalkumar M. Chordia
6. Shri R. S. Doogar
7. Shri Bhupesh Gupta
8. Shri B. D. Khobaragade
9. Shri Niranjan Singh
10. Shri Dahyabhai V. Patel
11. Shri S. D. Patil
12. Shri J. Sivashanmugam Pillai
13. Shri M. Govinda Reddy
14. Shri P. N. Sapru
15. Shri B. K. P. Sinha

be appointed to recommend, for the consideration of the House, draft rules for regulating, subject to the provisions of the Constitution, the procedure and the conduct of business in the Rajya Sabha;

the quorum to constitute a meeting of the Committee shall be one-third of the total number of members of the Committee;

the Committee shall submit its recommendation to this House by the 28th February, 1963;

the Chairman shall have power to add such other members to the Committee as he may consider necessary;

In all other respects, the rules of procedure of this House for Select Committees shall apply with such variations and modifications as the Chairman may make."

APPENDIX II

(See para 1 of the Report)

Members added to the Committee by the Chairman

1. Shri Rohit M. Dave
2. Shri Niren Ghosh
3. Shri M. Ruthnaswamy
4. Shri Sudhir Ghosh
5. Shri Nemi Chandra Kasliwal
6. Shri Nafisul Hasan
7. Shri Dayaldas Kurre
8. Shri Mahesh Saran
9. Dr. Shrimati Seeta Parmanand
10. Shri Nand Kishore Das
11. Shri N. M. Lingam
12. Shri N. Sri Rama Reddy

MINUTES

I

FIRST SITTING

New Delhi, Friday the 15th February, 1963

The Committee met at 3.00 P.M. on February 15, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shri M. P. Bhargava
3. Shri Vimalkumar M. Chordia
4. Shri R. S. Doogar
5. Shri Bhupesh Gupta
6. Shri Dahyabhai V. Patel
7. Shri S. D. Patil
8. Shri J. Sivashanmugam Pillai
9. Shri M. Govinda Reddy
10. Shri P. N. Sapru
11. Shri B. K. P. Sinha
12. Shri Rohit M. Dave
13. Shri Niren Ghosh
14. Shri Sudhir Ghosh
15. Shri Nemi Chandra Kasliwal
16. Shri Nafisul Hasan
17. Shri Mahesh Saran
18. Dr. Shrimati Seeta Parmanand
19. Shri N. M. Lingam
20. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Joint Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*

Before proceeding with the business of the meeting, the Chairman referred to the passing away of Shri B. N. Datar, Minister of State in the Ministry of Home Affairs. The Committee observed one minute's silence, all members standing, as a mark of respect to the memory of Shri Datar.

The Chairman observed that, in formulating the Committee's recommendations, it would be an advantage if the Committee had before it suggestions from all members of the Rajya Sabha (including the members of the Committee) for amendment or modification of the existing rules of the Rajya Sabha. The Committee agreed with this proposal, and it was decided that members should be requested to send their suggestions so as to reach the Secretariat by March 15, 1963. Thereafter the Secretariat would tabulate these suggestions and, where considered necessary, would give its own comments and circulate them among the members of the Committee.

It was also decided that notes or statements as detailed below, should be prepared and circulated to members of the Committee:—

- (1) A comparative statement showing the divergences, wherever they exist, between the Rajya Sabha Rules and the Lok Sabha Rules.
- (2) A note by the Secretariat containing its own suggestions for amendment or modification of the Rajya Sabha Rules in the light of the experience gained in the working of these Rules during the past ten years.
- (3) A note by the Secretariat on the difference between Money Bills and Finance Bills.
- (4) A bibliography of the Rules of Procedure of all Commonwealth countries including the United Kingdom. (The power, if any, to move adjournment or like motions in the Second Chambers in these countries should be specifically pointed out in preparing this).

Suggestions were also made that the Committee should consider how far the procedure relating to the disallowance of questions, raising discussions on matters of urgent public importance, introduction of more Bills in the Rajya Sabha, etc., could be improved upon and that in this connection the Secretariat should gather information on the percentage of questions disallowed, the number of Bills other than Money Bills introduced in the Rajya Sabha and their proportion to the Bills introduced in the Lok Sabha during the past ten years, etc. The Chairman pointed out that the scope of this Committee being to consider Rules of Procedure, all matters which came within that scope could be considered by the Committee.

The Committee decided that the time for the presentation of its Report to the Rajya Sabha should be extended up to August 30, 1963, and the Chairman was authorised to make a motion for the purpose during the forthcoming session.

It was decided that the Committee should hold its next meeting on the last working day of the Rajya Sabha in May 1963.

The meeting terminated at 3.50 P.M.

II
SECOND SITTING

New Delhi, Friday, the 10th May, 1963

The Committee met at 10.05 A.M. on May 10, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammanna Raja
3. Shri M. P. Bhargava
4. Shri B. D. Khobaragade
5. Shri J. Sivashanmugam Pillai
6. Shri B. K. P. Sinha
7. Shri Rohit M. Dave
8. Shri Nemi Chandra Kasliwal
9. Shri Nafisul Hasan
10. Shri Dayaldas Kurre
11. Shri Mahesh Saran
12. Dr. Shrimati Seeta Parmanand
13. Shri N. Sri Rama Reddy.

SECRETARIAT

1. Shri B. N. Banerjee, *Joint Secretary*
2. Shri P. N. Krishna Mani, *Deputy Secretary*
3. Shri M. S. Panigrahi, *Under Secretary*

The Chairman informed the Committee that in response to the circular letter issued to Members, pursuant to the decision taken at its last meeting, inviting suggestions for amendment or modification of the Rajya Sabha Rules, only two Members, namely, Shri M. P. Bhargava and Shri M. Ruthnaswamy had sent suggestions.

After a general discussion, in the course of which Members present at the meeting made certain suggestions for the consideration of the Committee, the Chairman observed that all these suggestions

would be considered and detailed notes thereon would be circulated to Members by the Secretariat.

It was decided that the Committee should hold its next meeting from Saturday, July 20, 1963, to consider and formulate its recommendations.

The Committee adjourned at 10.50 A.M.

III

THIRD SITTING

New Delhi, Friday, the 23rd August, 1963

The Committee met at 9-30 A.M. on August 23, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shri M. P. Bhargava
3. Shri J. Sivashanmugam Pillai
4. Shri P. N. Saprú
5. Shri B. K. P. Sinha
6. Shri Rohit M. Dave
7. Shri Nemi Chandra Kasliwal
8. Shri Nafisul Hasan
9. Shri Dayaldas Kurre
10. Shri Mahesh Saran
11. Dr. Shrimati Seeta Parmanand

SECRETARIAT

1. Shri B. N. Banerjee, *Joint Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri M. S. Panigrahi, *Under Secretary*

The Committee generally discussed the following points:—

- (i) Condolence references to be given precedence over all other items of business including Questions. (Point by Shri J. Sivashanmugam Pillai)
- (ii) The appropriateness of the use of the expressions "Council" and "House" for the Rajya Sabha and the Lok Sabha respectively in the present Rules of Procedure of the Rajya Sabha. (Point by Dr. Shrimati Seeta Parmanand)
- (iii) Question of modifying the present Rajya Sabha Rules relating to privileges so as to bring them into accord with the practice in the U.K. (Point by Shri B. K. P. Sinha)

would be considered and detailed notes thereon would be circulated to Members by the Secretariat.

It was decided that the Committee should hold its next meeting from Saturday, July 20, 1963, to consider and formulate its recommendations.

The Committee adjourned at 10.50 A.M.

III

THIRD SITTING

New Delhi, Friday, the 23rd August, 1963

The Committee met at 9-30 A.M. on August 23, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shri M. P. Bhargava
3. Shri J. Sivashanmugam Pillai
4. Shri P. N. Saprū
5. Shri B. K. P. Sinha
6. Shri Rohit M. Dave
7. Shri Nemi Chandra Kasliwal
8. Shri Nafisul Hasan
9. Shri Dayaldas Kurre
10. Shri Mahesh Saran
11. Dr. Shrimati Seeta Parmanand

SECRETARIAT

1. Shri B. N. Banerjee, *Joint Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri M. S. Panigrahi, *Under Secretary*

The Committee generally discussed the following points:—

- (i) Condolence references to be given precedence over all other items of business including Questions. (Point by Shri J. Sivashanmugam Pillai)
- (ii) The appropriateness of the use of the expressions "Council" and "House" for the Rajya Sabha and the Lok Sabha respectively in the present Rules of Procedure of the Rajya Sabha. (Point by Dr. Shrimati Seeta Parmanand)
- (iii) Question of modifying the present Rajya Sabha Rules relating to privileges so as to bring them into accord with the practice in the U.K. (Point by Shri B. K. P. Sinha)

- (iv) Procedure for dealing with cases where a member may make a false allegation or statement in the House. (Point by Dr. Shrimati Seeta Parmanand)

In regard to point No. (iii), Shri B. K. P. Sinha was requested to send a note on the subject to the Secretariat for circulation to Members.

2. The Committee decided that its next meeting should commence on October 30, 1963, and should continue till the Committee finished its work. It was also decided that the Committee should sit daily from 10-00 A.M. to 1-00 P.M. and 3-00 P.M. to 5-00 P.M.

3. The Chairman was authorised to move an appropriate motion in the Rajya Sabha for the extension of time for the presentation of the Report of the Committee up to November 30, 1963.

The Committee adjourned at 10-20 A.M.

IV

FOURTH SITTING

New Delhi, Wednesday, the 30th October, 1963

The Committee met at 10-00 A.M. on October 30, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammanna Raja
3. Shri M. P. Bhargava
4. Shri Vimalkumar M. Chordia
5. Shri R. S. Doogar
6. Shri Bhupesh Gupta
7. Shri B. D. Khobaragade
8. Shri Niranjan Singh
9. Shri M. Govinda Reddy
10. Shri P. N. Sapru
11. Shri B. K. P. Sinha
12. Shri Rohit M. Dave
13. Shri Sudhir Ghosh
14. Shri Nemi Chandra Kasliwal
15. Shri Nafisul Hasan
16. Shri Dayaldas Kurre
17. Shri Mahesh Saran
18. Shri Nand Kishore Das
19. Shri N. M. Lingam
20. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri P. N. Krishna Mani, *Deputy Secretary*
3. Shri Kishan Singh, *Under Secretary*

The Committee took up detailed consideration of the Rules together with the suggestions made by Members. The following decisions were taken:—

CHAPTER I

Rule 2.—(i) The expressions “Rajya Sabha” and “Lok Sabha” should be inserted within brackets after “Council of States” and “House of the People” respectively wherever they occur in this rule.

(ii) The necessity of having a definition of “Finance Minister” in its present form should be further examined.

(iii) The following new definition should be added after the definition of “Minister”:—

“ ‘Precincts of the Council’ means and includes the Chamber, the lobbies, the galleries and such other places as the Chairman may from time to time specify;”.

In this connection, the Committee expressed the view that in regard to control of the Central Hall, facilities for Opposition Members’ rooms, Parliament Library and other common services, the position should be examined with a view to ensure that the rights of the members of the Rajya Sabha are properly safeguarded.

CHAPTER II

Rule 3.—The present rule should be renumbered as sub-rule (1) and the following new sub-rule should be inserted:—

“(2) When a session is called at short notice or emergently, an announcement of the date and place of the session may be made in the press and members informed by telegram or otherwise.”

Rule 4.—No change.

New rule 4A.—After rule 4, the following new rule should be inserted:—

“4A. *Oath or affirmation.*—A member who has not already made and subscribed an oath or affirmation in pursuance of article 99 of the Constitution may do so at the commencement of a sitting of the Council, or at such other time of the sitting as the Chairman may direct.”

Rule 5.—No change.

CHAPTER III

*Rule 6.—Election of Deputy Chairman.—*Consideration of this rule was held over.

*Rule 7.—*For sub-rule (1) the following should be substituted:—

“(1) The Chairman shall from time to time nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.”

*Rule 8.—*No change.

CHAPTER IV

*Rules 9 to 11.—*No change.

*Rule 12.—*No change.

In this connection, some members expressed the view that the reference to “Chairman” in rule 12 should be modified so as to make it clear that the expression “Chairman” includes the Deputy Chairman or any other member competent to preside under the Constitution or under the rules.

CHAPTER V

*Rule 13.—*The words “in consultation with the Leader of the Council” should be deleted.

*Rules 14 to 16.—*No change.

*Rule 17.—*The words “and the Chairman may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude” should be deleted.

*Rules 18-19.—*No change.

*Rule 20.—*For the words “be empowered”, the words “have the power” should be substituted.

*Rule 21.—*No change.

CHAPTER VI

*Rule 22.—*No change.

In regard to “No-day-yet-named-motions” admitted by the Chairman, it was suggested that some suitable procedure, outside the Rules of Procedure, might be evolved for determining which particular

motions might be taken up for consideration and in what order of precedence during each session.

Rule 23.—Allotment of time for Private Members' Business.—It was decided that this rule should be substituted by a rule on the lines of rule 26 of the Lok Sabha Rules, subject to the modification that the whole of every Friday during each session should be allotted for Private Members' Business:

"Rule 23. Allotment of time for Private Members' Business.—
Every Friday shall be allotted for the transaction of the private members' business:

Provided that the Chairman may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business, business of that class shall have precedence:

Provided further that the Chairman may, in consultation with the Leader of the Council, allot any day other than a Friday for the transaction of private members' business:

Provided further that if there is no sitting of the Council on a Friday, the Chairman may direct that any other day in the week may be allotted for private members' business."

Rule 24.—In sub-rule (2), the present clause (h) should be made clause (a) and the rest of the clauses renumbered accordingly.

Rules 25 to 28.—No change.

Rule 28A.—In sub-rule (1) for the words "not more than ten members" the words "ten members" should be substituted.

Rule 28B.—The words "and any person nominated to fill such a vacancy shall hold office for the period for which the person in whose place he is nominated would under the provisions of rule 28A have held office" should be deleted.

Rule 28C.—No change.

Rule 28D.—In sub-rule (1) after the words "Government Bills" the words "and other business" should be inserted. In sub-rule (2) after the word "Bill" the words "or other business" should be inserted.

Rule 28E.—After the words "group of Bills" the words "or other business" should be inserted.

Rule 28F.—No change.

Rule 28G.—After the word “Bill” in both places where it occurs the words “or other business” should be inserted.

Rule 28H.—This rule should be modified so as to give authority to the Chairman to vary the Allotment of Time Order after taking the sense of the Council.

The Committee adjourned at 5-15 P.M. till 9-30 A.M. on Thursday, October 31, 1963.

V

FIFTH SITTING

New Delhi, Thursday, the 31st October, 1963

The Committee met at 9-30 A.M. on October 31, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammannanna Raja
3. Shri M. P. Bhargava
4. Shri Vimalkumar M. Chordia
5. Shri R. S. Doogar
6. Shri Bhupesh Gupta
7. Shri B. D. Khobaragade
8. Shri Niranjan Singh
9. Shri Dahyabhai V. Patel
10. Shri J. Sivashanmugam Pillai
11. Shri M. Govinda Reddy
12. Shri P. N. Sapru
13. Shri B. K. P. Sinha
14. Shri Rohit M. Dave
15. Shri Sudhir Ghosh
16. Shri Nemi Chandra Kasliwal
17. Shri Nafisul Hasan
18. Shri Dayaldas Kurre
19. Shri Makesh Saran
20. Shri Nand Kishore Das
21. Shri N. M. Lingam
22. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*.
2. Shri S. S. Bhalerao, *Deputy Secretary*

3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri Kewal Krishan, *Under Secretary*
5. Shri Kishan Singh, *Under Secretary*

The Committee resumed further consideration of the Rules together with the suggestions made by the Members. The following decisions were taken:—

CHAPTER VII

Rule 29.—For the existing rule, the following rule should be substituted:—

“29. *Time for Questions.*—Unless the Chairman otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions.”

Rules 30-31.—No change.

Rule 32.—For the word “time” the word “day” should be substituted.

Rule 33.—No change.

Rule 34.—No change.

In this connection, the Committee expressed the view that the names of members who have given notice of almost identical questions for the same day should be clubbed together.

Rule 34A.—No change.

Rules 35-36.—No change.

Rule 37—Sub-rule (1)—No change.

In sub-rule (2), the following new clauses should be inserted:—

“(i) it shall be clearly and precisely expressed;

(ii) it shall not ask for information on matters which are under the consideration of a Parliamentary Committee;”.

Rules 38 to 41.—No change.

Rule 42.—To rule 42, the following proviso should be added:—

“Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Chairman if the Minister represents to the Chairman that the question is one of special public interest to which he desires to give a reply.”

Rules 43 to 46.—No change.

New Rule 46A.—After rule 46, the following new rule should be inserted:—

“46A. *Answers not to refer to proceedings in House.*—An answer to a question in the Council shall not refer to the answer to a question or proceedings in the House during a current session.”

Rule 47.—Consideration of this rule was held over.

Rule 48.—No change.

CHAPTER VIIA

Rule 48A.—For the existing sub-rule (1), the following should be substituted:—

“(1) The Chairman shall allot half-an-hour from 5 P.M. to 5-30 P.M. on any day for raising discussion on a matter of sufficient public importance which has been the subject of a recent question in the Council, and the answer to which needs elucidation on a matter of fact:

Provided that if the other business set down for the day is concluded before 5 P.M. the period of half-an-hour shall commence from the time such other business is concluded:

Provided further that the Chairman may vary the time of commencement of such discussion if such a course is, in his opinion, necessary or convenient.”

Rule 48A.—Sub-rules (2) to (4)—No change.

To sub-rule (5), the following proviso should be added:—

“Provided that if the member who has given notice is absent, any member who has supported the notice may, with the permission of the Chairman, initiate the discussion.”

CHAPTER VIII

Rule 49.—In rule 49, after the words “Objects and Reasons” the words “the memorandum regarding delegation of legislative power” should be inserted.

In this connection, the Committee expressed the view that more Government Bills should be introduced in the Rajya Sabha, so that there is even flow of work in the Rajya Sabha.

Rules 50 to 53.—No change.

New Rule 53A.—After rule 53, the following new rule should be inserted:—

“53A. *Statement in connection with Ordinances.*—(1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Council, there shall be placed before the Council along with the Bill a statement explaining the circumstances which had necessitated legislation by Ordinance.

(2) Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the Council, is promulgated, a statement explaining the circumstances which had necessitated legislation by Ordinance shall be laid on the Table of the Council at the commencement of the session following the promulgation of the Ordinance.”

Rules 54 to 56.—No change.

Rule 57.—In clause (b) of sub-rule (2), after the words “an amendment” the words “that the Bill be referred to a Joint Committee of the Houses with the concurrence of the House or a Select Committee, as the case may be, or” should be inserted.

Rule 58.—No change.

Rule 59.—The following new sub-rule should be inserted:—

“(3) Casual vacancies in a Select Committee shall be filled by appointment on a motion made in the Council.”

Rules 60 to 67.—No change.

New Rule 67A.—After rule 67, the following new rule should be inserted:—

“67A. *Venue of sittings.*—No sitting of a Select Committee shall be held outside the precincts of the Parliament House:

Provided that if in any case it is considered necessary to hold such a sitting outside the Parliament House, the matter shall be referred to the Chairman whose decision shall be final.”

Rules 68 to 75.—No change.

Rule 76.—The following new sub-rule should be inserted:—

“(7) If in the opinion of the Chairman of the Council a minute of dissent contains words, phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute of dissent.”

Rules 77-78.—No change.

The Committee adjourned at 1-30 P.M. till 9-30 A.M. on Saturday, November 2, 1963.

VI

SIXTH SITTING

New Delhi, Saturday, the 2nd November, 1963

The Committee met at 9.30 A.M. on November 2, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammanna Raja
3. Shri M. P. Bhargava
4. Shri Bhupesh Gupta
5. Shri Niranjan Singh
6. Shri S. D. Patil
7. Shri Dahyabhai V. Patel
8. Shri J. Sivashanmugam Pillai
9. Shri M. Govinda Reddy
10. Shri P. N. Sapru
11. Shri Rohit M. Dave
12. Shri Sudhir Ghosh
13. Shri Nafisul Hasan
14. Shri Dayaldas Kurre
15. Shri Mahesh Saran
16. Shri Nand Kishore Das
17. Shri N. M. Lingam

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri Kishan Singh, *Under Secretary*

The Committee resumed further consideration of the Rules together with the suggestions made by the Members. The following decisions were taken:—

Rules 79-80 were adopted, subject to references being made, wherever necessary, in both the rules to "Joint Committee of the Houses", so that the procedure will cover also Bills as reported by Joint Committees of the Houses. (Consequential changes to be made in other rules also where necessary.)

Rule 81.—No change.

Rule 82.—The following new clause should be added:—

"(i) (a) An amendment shall not be moved which has merely the effect of a negative vote."

Rules 83 to 92.—No change.

Rule 93.—For the existing rule, the following should be substituted:—

"93. *Clause one, enacting formula, preamble and the title of the Bill.*—Clause one, the enacting formula, the preamble, if any, and the title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question: "That clause one, or the enacting formula, or the preamble or the title (or, as the case may be, that clause one, the enacting formula, preamble, or title as amended) do stand part of the Bill."

Rules 94 to 102.—No change.

Rules 103 to 114.—*Petitions on Bills.*—The Committee decided that the scope of the rules relating to petitions should be enlarged so as to make provision also for petitions on matters of general public interest on the lines of the Lok Sabha Rules. The Secretariat was directed to redraft the rules accordingly for the consideration of the Committee.

Rule 115.—No change.

Rule 116.—The following further proviso should be added to this rule:—

"Provided further that where a Bill has originated in the House and is pending before the Council, the member in charge shall move a motion in the Council recommending to the House that the House do agree to leave being granted by the Council to withdraw the Bill and after the motion is adopted by the Council and concurred in by the House, the member in charge shall move for leave to withdraw the Bill."

Rule 117.—No change.

Rule 118.—The present rule should be renumbered as sub-rule (1) and the following new sub-rules should be inserted:—

“(2) A Bill pending before the Council shall also be removed from the Register of Bills pending in the Council in case the Bill is withdrawn under rule 116.

(3) A Private Member's Bill pending before the Council shall also be removed from the Register of Bills pending in the Council in case the member in charge ceases to be a member of the Council.”

Rules 119 to 134.—No change.

NEW CHAPTER

Bills to amend the Constitution

The Committee decided that rules regulating the procedure relating to Bills seeking to amend the Constitution should be drafted on the lines of the Lok Sabha Rules and circulated to members for consideration.

CHAPTER IX

Rules 135 to 143.—No change.

Rule 144.—The consideration of this rule was held over.

Rules 145 to 147.—No change.

CHAPTER X

*Rules 148 to 156.—Motions on Matters of Public Interest and “Motion for Papers.”—*Secretary proposed that in considering these rules the Committee might also consider the advisability of incorporating in the Rajya Sabha Rules provisions for (i) discussion on matters of urgent public importance for short duration and (ii) calling attention notices on matters of urgent public importance, as suggestions in this behalf had been received from some members. Draft rules in this regard would be circulated to members and the Committee might hold over consideration of Chapter X for the present. The proposal was accepted.

[Kindly see Annexures I and II from draft rules on (i) discussion on matters of urgent public importance for short duration and (ii) calling attention to matters of urgent public importance.]

CHAPTER XI

Rule 157.—For the existing rule 157, the following should be substituted:—

157(1). *The Budget.*—The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government of India in respect of each financial year (hereinafter referred to as “the Budget”) shall be presented to the Council on such day as the President may direct.

(2) There shall be no discussion on the Budget on the day on which it is presented to the Council.”

Rules 158 to 162.—No change.

CHAPTER XII

Rule 163.—No change.

Rule 164.—The following should be added at the end of the rule:—

“If the question proposed to be raised is based on a document, the notice shall be accompanied by the document.”

Rule 165.—Conditions for admissibility of question of privilege.—The following should be substituted for the existing rule:—

“165. The right to raise a question of privilege shall be governed by the following conditions:—

(i) the question shall be restricted to a specific matter of recent occurrence;

(ii) the matter requires the intervention of the council.”

The Committee adjourned at 1-30 P.M. till 9-30 A.M. on Tuesday, November 5, 1963.

 ANNEXURE I
 CHAPTER XA

DISCUSSION ON MATTERS OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION

Notice of raising discussion.—Any member desirous of raising discussion on a matter of urgent public importance may give no-

tice in writing to the Secretary specifying clearly and precisely the matter to be raised:

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members.

Chairman to decide admissibility.—If the Chairman is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient public importance to be raised in the Council at an early date, he may admit the notice and in consultation with the Leader of the Council fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two and a half hours, as he may consider appropriate in the circumstances:

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Chairman may refuse to admit the notice.

No formal motion.—There shall be no formal motion before the Council nor voting. The member who has given notice, may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Chairman may be permitted to take part in the discussion.

Time limit for speeches.—The Chairman may, if he thinks fit, prescribe a time limit for the speeches.

ANNEXURE II

CHAPTER XB

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

Calling attention to matters of urgent public importance.—(1) A member may, with the previous permission of the Chairman, 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.

(2) There shall be no debate on such statement at the time it is made.

(3) Not more than one such matter shall be raised at the same sitting.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Chairman, more urgent and important.

(5) The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the Council.

VII
SEVENTH SITTING

New Delhi, Tuesday, the 5th November, 1963

The Committee met at 9-30 A.M. on November 5, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammanna Raja
3. Shri M. P. Bhargava
4. Shri Vimalkumar M. Chordia
5. Shri Bhupesh Gupta
6. Shri Niranjan Singh
7. Shri Dahyabhai V. Patel
8. Shri S. D. Patil
9. Shri J. Sivashanmugam Pillai
10. Shri M. Govinda Reddy
11. Shri B. K. P. Sinha
12. Shri Rohit M. Dave
13. Shri Sudhir Ghosh
14. Shri Nemi Chandra Kasliwal
15. Shri Nafisul Hasan
16. Shri Dayaldas Kurre
17. Shri Mahesh Saran
18. Shri N. M. Lingam
19. Shri N. Sri Rama Reddy.

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri Kishan Singh, *Under Secretary*

The Committee resumed further consideration of the Rules together with the suggestions made by the Members. The following decisions were taken:—

CHAPTER XII

Rule 166.—The existing rule should be renumbered as sub-rule (1) and the following sub-rule should be added:—

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

Rule 167.—For the existing rule, the following rule should be substituted:—

“167. *Reference to Committee of Privileges.*—If leave under rule 166 is granted, the Council may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made by the Leader of the Council or, in his absence, by any other member.”

Rule 168.—For the existing sub-rule (1), the following sub-rule should be substituted:—

“(1) The Chairman shall from time to time nominate a Committee of Privileges consisting of ten members.”

Sub-rule (2).—No change.

The following new sub-rule (3) should be inserted:—

“(3) Casual vacancies in the Committee shall be filled by the Chairman.”

Rules 169 to 171.—No change.

Rule 172.—In sub-rule (2), for the words “Chairman of the Committee”, the word “Secretary” should be substituted.

Rule 173.—For the existing sub-rule (3), the following sub-rule should be substituted:—

“(3) The report shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose any other member to sign the report on behalf of the Committee.”

Rules 174 to 176.—No change.

New Rule 176A.—After rule 176, the following new rule should be inserted:—

“176. *Motion after consideration of the report.*—After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.”

Rule 177.—No change.

Rule 178.—No change.

In this connection the Committee recommended that whenever the Chairman referred a matter of privilege to the Committee of Privileges under rule 178, members should be informed of such reference through a Parliamentary Bulletin.

CHAPTER XIII

Rules 179 to 181.—No change.

CHAPTER XIV

AMENDMENT OF RULES

Rules 182 to 184.—For the existing rules 182 to 184, the following rules should be substituted:—

“182. *Rules Committee.*—A Committee on Rules shall be constituted to consider matters of procedure and conduct of business in the Council and to recommend any amendments or additions to these rules that may be deemed necessary.

183. *Composition of Rules Committee.*—(1) The Committee on Rules shall be nominated by the Chairman of the Council and shall consist of fifteen members including the Chairman of the Council who shall be the *ex-officio* Chairman of the Committee.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated. Casual vacancies in the Committee shall be filled by the Chairman, as soon as possible after they occur.

(3) If the Chairman of the Council is for any reason unable to act as Chairman of the Committee he may appoint another Chairman of the Committee in his place.

(4) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

184. *Quorum*.—(1) In order to constitute a meeting of the Committee the quorum shall be seven.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

184A. *Laying of Reports on the Table*.—Every report of the Committee containing its recommendations shall be laid on the Table of the Council.

184B. *Consideration of Report*.—(1) As soon as may be after the report has been laid on the Table of the Council, a motion may be moved by a member of the Committee designated by the Chairman of the Council that the report of the Committee be taken into consideration.

(2) Any member may give notice of amendment to the motion for consideration of the report in such form as may be considered appropriate by the Chairman.

(3) After the motion for consideration of the report has been carried, any member of the Committee designated by the Chairman may move that the Council agrees, or agrees with amendment, with the recommendations contained in the report.

(4) The amendments to the rules as approved by the Council shall come into force on such date as the Chairman of the Council may appoint."

CHAPTER XV

Rules 185-186.—No change.

At this stage the Committee considered whether specific provision should be made in the rules regulating the procedure regarding secret sittings of the Council and it was decided that it was not necessary to make such provision.

CHAPTER XVI

Rules 187 to 189.—No change.

New Rule 189A.—After rule 189, the following new rule should be inserted:—

“189A. *Business before Committee not to lapse on prorogation of Council.*—Any business pending before a Committee shall not lapse by reason only of the prorogation of the Council and the Committee shall continue to function notwithstanding such prorogation.”

Rules 190 to 192.—No change.

Rule 193.—For the existing rule, the following rule should be substituted:—

“193. *Dilatory Motion.*—(1) At any time after a motion has been made, a member may move that the debate on the motion be adjourned.

(2) If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.”

Rule 194.—No change.

New Rule 194A.—After rule 194, the following new rule should be inserted:—

“194A. *Notice of Amendments.*—Notice of an amendment to a motion shall be given at least one day before the day on which the motion is to be considered, unless the Chairman allows the amendment to be moved without such notice.”

Rule 195.—At the end of sub-rule (1) the words “or meaningless” should be added.

Rules 196 to 199.—No change.

Rule 200.—In clause (v), for the word “decision” the word “discussion” should be substituted.

The Committee adjourned at 1.30 P.M. till 9.30 A.M. on Wednesday, November 6, 1963.

VIII

EIGHTH SITTING

New Delhi, Wednesday, the 6th November, 1963

The Committee met at 9.30 A.M. on November 6, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammannanna Raja
3. Shri M. P. Bhargava
4. Shri Vimalkumar M. Chordia
5. Shri Bhupesh Gupta
6. Shri Niranjan Singh
7. Shri Dahyabhai V. Patel
8. Shri S. D. Patil
9. Shri J. Sivashanmugam Pillai
10. Shri M. Govinda Reddy
11. Shri B. K. P. Sinha
12. Shri Rohit M. Dave
13. Shri Nemi Chandra Kasliwal
14. Shri Nafisul Hasan
15. Shri Dayaldas Kurre
16. Shri Mahesh Saran
17. Shri N. M. Lingam
18. Shri N. Sri Rama Reddy.

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri M. S. Panigrahi, *Deputy Secretary*
5. Shri Kishan Singh, *Under Secretary*

The Committee resumed consideration of the Rules together with the suggestions made by the Members. The following decisions were taken:—

A proposal for inclusion in the Rules of a provision regulating the procedure regarding allegations of a defamatory or incriminatory nature by a member against any person was considered. The Committee decided that it was not necessary to have such a provision.

Rules 201 to 215.—No change.

Rule 216.—For the existing sub-rule (2), the following sub-rule should be substituted:—

“(2) If a member is so named by the Chairman, he shall forthwith put the question on a motion being made, no amendment, adjournment or debate being allowed, that the member (naming him) be suspended from the service of the Council for a period not exceeding the remainder of the session :

Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.”

Rules 217 to 227.—No change.

The Committee thereafter took up consideration of proposals for the insertion of certain new rules and those rules the consideration of which had been held over. The following decisions were taken:—

NEW CHAPTER

Committee on Subordinate Legislation.—The Committee considered draft rules on the subject and decided that a new Chapter, containing rules 212A to 212I, as in Annexure I, should be inserted after rule 212.

Rules 103 to 114—Petitions on Bills.—For the existing rules 103 to 114, the rules and the Schedule as in Annexure II, should be substituted.

Rule 47—Short Notice Question.—For the existing rule 47, the rule as in Annexure III, should be substituted.

NEW CHAPTER XB

Calling attention to matters of urgent public importance.—It was decided that provisions as in Annexure IV, should be inserted in the rules at an appropriate place.

NEW CHAPTER XA

Discussion on matters of urgent public importance for short duration.—It was decided that provisions as in Annexure V, should be inserted in the rules at an appropriate place.

CHAPTER X

Rules 148 to 150.—No change.

Rule 151.—At the end of rule 151, the words “when in his opinion it does not comply with these rules” should be added.

Rule 152.—For the existing rule, the following rule should be substituted:—

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

Rules 153 to 156.—No change.

The Committee adjourned at 1.30 P.M. till 9.30 A.M. on Thursday, November 7, 1963.

ANNEXURE I

CHAPTER.....

COMMITTEE ON SUBORDINATE LEGISLATION

212A. *Committee on Subordinate Legislation.*—There shall be a Committee on subordinate legislation to scrutinise and report to the Council whether the powers delegated by Parliament have been properly exercised within the framework of the statute delegating such powers.

212B. *Constitution of the Committee.*—(1) The Committee shall consist of fifteen members who shall be nominated by the Chairman.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

212C. *Chairman of the Committee.*—(1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee:

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

212D. *Quorum.*—(1) In order to constitute a meeting of the Committee the quorum shall be five.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter, he shall have, and exercise, a casting vote.

212E. Evidence before Committee.—(1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties:

Provided that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

212F. Duties of Committee.—After each rule, regulation, bye-law, scheme, or other statutory instrument framed in pursuance of the legislative functions delegated by Parliament to a subordinate authority which is required to be laid before Parliament (hereinafter referred to as the “order”) is so laid before the Council, the Committee shall, in particular, consider—

- (i) whether it is in accord with the general object of the Act pursuant to which it is made;
- (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (iii) whether it contains imposition of taxation;
- (iv) whether it directly or indirectly bars the jurisdiction of the court;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;
- (vi) whether it involves expenditure from the Consolidated Fund of India or the public revenues;
- (vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;
- (viii) whether there appears to have been unjustifiable delay in its publication or laying it before Parliament; and
- (ix) whether for any reason its form or purport calls for any elucidation.

212G. *Report of the Committee.*—(1) If the Committee is of opinion that any order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the Council.

(2) If the Committee is of opinion that any other matter relating to any order should be brought to the notice of the Council, it may report that opinion and matter to the Council.

212H. *Presentation of the Report.*—The Report of the Committee shall be presented to the Council by the Chairman of the Committee or, in his absence, by any member of the Committee.

212I. *Regulation of procedure.*—The Committee shall determine its own procedure in connection with all matters connected with the consideration of any question of subordinate legislation in the Committee.

ANNEXURE II

CHAPTER VIII B

PETITIONS

103. *Petitions.*—Petitions may be presented or submitted to the Council with the consent of the Chairman in accordance with these rules.

103A. *Scope of petitions.*—Petitions may relate to—

- (i) a Bill which has been published under rule 49 or which has been introduced or in respect of which notice of a motion has been received under these rules;

- (ii) any other matter connected with the business pending before the Council; and
- (iii) any matter of general public interest provided that it is not one—
 - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or quasi-judicial body, or Commission;
 - (b) which raises matters which are not primarily the concern of the Government of India;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available, under the law, including rules, regulations, or bye-laws made by the Central Government or by an authority to whom power to make such rules, regulations, or bye-laws is delegated.

104. General form of petition.—(1) The general form of petition set out in the Schedule, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

(2) Every petition shall be couched in respectful and temperate language.

(3) Every petition shall be either in Hindi or in English. If any petition in any other language is made, it shall be accompanied by a translation either in Hindi or in English, and signed by the petitioner.

105. Authentication of signatories to a petition.—The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by his signature and if illiterate by his thumb impression.

105A. Documents not to be attached.—Letters, affidavits or other documents shall not be attached to any petition.

106. Counter signature.—Every petition shall, if presented by a member, be countersigned by him.

107. Petition to whom to be addressed and how to be concluded.—Every petition shall be addressed to the Council and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

107A. Notice of presentation.—A member shall give advance intimation to the Secretary of his intention to present a petition.

108. Presentation of petition.—A petition may be presented by a member or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Council, and no debate shall be permitted on the making of such report.

109. Form of presentation.—A member presenting a petition shall confine himself to a statement in the following form:—

“I beg to present a petition signed by.....petitioner(s)
regarding.....”.

and no debate shall be permitted on this statement.

110. Constitution of Committee on Petitions.—(1) The Chairman shall from time to time nominate a Committee on Petitions consisting of ten members.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman.

110A. Quorum.—The quorum of the Committee shall be five.

111. Chairman of Committee on Petitions.—(1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

112. Reference to Committee.—Every petition shall, after presentation by a member or report by the Secretary, as the case may be, stand referred to the Committee of Petitions.

113. Examination and Circulation of Petitions.—(1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may in its discretion direct that it be circulated. Where circulation of the petition has not been directed, the Chairman may at any time, direct that the petition be circulated.

(2) Circulation of the petition shall be in *extenso* or in a summary form as the Committee, or the Chairman, as the case may be, may direct.

114. Report of Committee on Petitions.—(1) The Committee shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with these rules, and also whether circulation has or has not been directed.

(2) It shall also be the duty of the Committee to report to the Council on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

114A. Presentation of Report.—The Report of the Committee shall be presented to the Council by the Chairman of the Committee or, in his absence, by any member of the Committee.

SCHEDULE
FORM OF PETITION

(See rule 104)

To

THE COUNCIL OF STATES (RAJYA SABHA)

The petition of

(Here insert name and designation or description of petitioner(s) in concise form, e.g., "A. B. and others" or "the inhabitants of " or "the municipality of....." etc.).

sheweth

(Here insert concise statement of case)

and accordingly your petitioner(s) pray that

(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in the Bill to meet the case of your petitioner(s)" or any other appropriate prayer regarding the Bill or matter pending before the Council or a matter of general public interest.)

Name of petitioner	Address	Signature or Thumb impression

Countersignature of Member presenting.

ANNEXURE III

47. *Short notice questions.*—(1) A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned is in a position to reply, such question shall be answered on a day to be indicated by him and at the time to be determined by the Chairman.

(3) If the Minister is not in a position to answer the question at short notice and the Chairman is of opinion that the question is of sufficient public importance to be orally answered in the Council, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 30 or for an earlier day if the Chairman, in the circumstances of the case, considers it so necessary:

Provided that not more than one such question shall be accorded first priority on the list of questions for any one day.

(4) Where a member desires an oral answer to a question at shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the question shall be returned to the member.

(5) The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

(6) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Chairman may consider necessary or convenient.

IX

NINTH SITTING

New Delhi, Thursday, the 7th November, 1963

The Committee met at 9.30 A.M. on November 7, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Ammanna Raja
3. Shri M. P. Bhargava
4. Shri Vimalkumar M. Chordia
5. Shri R. S. Doogar
6. Shri Bhupesh Gupta
7. Shri B. D. Khobaragade
8. Shri Niranjana Singh
9. Shri Dahyabhai V. Patel
10. Shri S. D. Patil
11. Shri J. Sivashanmugam Pillai
12. Shri M. Govinda Reddy
13. Shri B. K. P. Sinha
14. Shri Rohit M. Dave
15. Shri Nemj Chandra Kasliwal
16. Shri Nafisul Hasan
17. Shri Dayaldas Kurre
18. Shri Mahesh Saran
19. Shri N. M. Lingam
20. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri M. S. Panigrahi, *Deputy Secretary*
5. Shri Kishan Singh, *Under Secretary*

The Committee resumed consideration of proposals for the insertion of certain new rules and the rules the consideration of which had been held over. The following decisions were taken:—

Bills seeking to amend the Constitution.—The question of incorporating in the rules specific provision regulating the procedure in respect of Bill seeking to amend the Constitution was considered. The Committee decided that it was not necessary to make such provision, and that the existing procedure and practice should continue.

Rule 144.—No change.

Rule 6.—No change.

Rule 2.—The necessity of having a definition of “Finance Minister” in its present form was considered. The Committee decided that the definition should be retained.

Rule 1.—The existing rule should be renumbered as sub-rule (1) and the following sub-rule should be added:—

“(2) These rules shall come into force on such date as the Chairman may appoint.”

General

The Committee authorised the Secretariat to renumber the rules and make such other changes as might be consequential on the amendments proposed by the Committee in the rules.

The Committee decided to hold its next meeting on November 23, 1963, to consider the draft report.

The Committee adjourned at 11.05 A.M. till 10.00 A.M. on Saturday, November 23, 1963.

X

TENTH SITTING

New Delhi, Saturday, the 23rd November, 1963

The Committee met at 10.00 A.M. on November 23, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shri M. P. Bhargava
3. Shri R. S. Doogar
4. Shri Dahyabhai V. Patel
5. Shri J. Sivashanmugam Pillai
6. Shri B. K. P. Sinha
7. Shri Rohit M. Dave
8. Shri Nemi Chandra Kasliwal
9. Shri Nafisul Hasan

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri P. N. Krishna Mani, *Deputy Secretary*
3. Shri Kishan Singh, *Under Secretary.*

The Committee observed one minute's silence, all members standing, as a mark of respect to the memory of President John F. Kennedy of the United States of America and to the memory of the officers of the Defence Forces who died in an I.A.F. helicopter crash near Poonch on November 22, 1963. The Committee adjourned thereafter, without transacting any business, till 9.45 A.M. on Tuesday, November 26, 1963.

XI

ELEVENTH SITTING

New Delhi, Tuesday, the 26th November, 1963

The Committee met at 9.50 A.M. on November 26, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Animanna Raja
3. Shri R. S. Doogar
4. Shri Bhupesh Gupta
5. Shri Niranjan Singh
6. Shri Dahyabhai V. Patel
7. Shri J. Sivashanmugam Pillai
8. Shri M. Govinda Reddy
9. Shri B. K. P. Sinha
10. Shri Rohit M. Dave
11. Shri M. Ruthnaswamy
12. Shri Sudhir Ghosh
13. Shri Nemi Chandra Kasliwal
14. Shri Nafisul Hasan
15. Shri N. M. Lingam
16. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri Kishan Singh, *Under Secretary*.

The Committee considered and adopted the Report.

The Committee decided that notes on points, if any, which members might desire to send should be sent so as to reach the Secretariat by 12.00 noon on Thursday, November 28, 1963.

X

TENTH SITTING

New Delhi, Saturday, the 23rd November, 1963

The Committee met at 10.00 A.M. on November 23, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shri M. P. Bhargava
3. Shri R. S. Doogar
4. Shri Dahyabhai V. Patel
5. Shri J. Sivashanmugam Pillai
6. Shri B. K. P. Sinha
7. Shri Rohit M. Dave
8. Shri Nemi Chandra Kasliwal
9. Shri Nafisul Hasan

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri P. N. Krishna Mani, *Deputy Secretary*
3. Shri Kishan Singh, *Under Secretary.*

The Committee observed one minute's silence, all members standing, as a mark of respect to the memory of President John F. Kennedy of the United States of America and to the memory of the officers of the Defence Forces who died in an I.A.F. helicopter crash near Poonch on November 22, 1963. The Committee adjourned thereafter, without transacting any business, till 9.45 A.M. on Tuesday, November 26, 1963.

XI

ELEVENTH SITTING

New Delhi, Tuesday, the 26th November, 1963

The Committee met at 9.50 A.M. on November 26, 1963, in Room No. 63, Parliament House, New Delhi. The following were present:—

1. Shrimati Violet Alva—*Chairman*

MEMBERS

2. Shrimati C. Annamma Raja
3. Shri R. S. Doogar
4. Shri Bhupesh Gupta
5. Shri Niranjan Singh
6. Shri Dahyabhai V. Patel
7. Shri J. Sivashanmugam Pillai
8. Shri M. Govinda Reddy
9. Shri B. K. P. Sinha
10. Shri Rohit M. Dave
11. Shri M. Ruthnaswamy
12. Shri Sudhir Ghosh
13. Shri Nemi Chandra Kasliwal
14. Shri Nafisul Hasan
15. Shri N. M. Lingam
16. Shri N. Sri Rama Reddy

SECRETARIAT

1. Shri B. N. Banerjee, *Secretary*
2. Shri S. S. Bhalerao, *Deputy Secretary*
3. Shri P. N. Krishna Mani, *Deputy Secretary*
4. Shri Kishan Singh, *Under Secretary.*

The Committee considered and adopted the Report.

The Committee decided that notes on points, if any, which members might desire to send should be sent so as to reach the Secretariat by 12.00 noon on Thursday, November 28, 1963.

The Committee authorised the Chairman to present the report at the sitting of the Rajya Sabha to be held on Friday, November 29, 1963.

Shri Rohit M. Dave, on behalf of the Committee, thanked the Chairman for her able guidance of the deliberations of the Committee. He also expressed the Committee's thanks to the Secretary and other members of the Secretariat for their assistance. The Chairman expressed her grateful thanks to the members for helping her in getting the work of the Committee done expeditiously and in an atmosphere of cordiality. She also thanked the Secretary and other officers for the help given by them.

The Committee adjourned *siné die* at 10.10 A.M.