



**PRAXIS OF PARLIAMENTARY COMMITTEES:
RECOMMENDATIONS OF COMMITTEE ON RULES
OF
RAJYA SABHA**

RAJYA SABHA SECRETARIAT
NEW DELHI
2010

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Website : <http://parliamentofindia.nic.in>
<http://rajyasabha.nic.in>

Price : Rs. 50.00

Published by Secretary-General and printed at Veerendra Printers, Karol Bagh,
New Delhi - 5

PREFACE

Since the inception of Rules of Procedure on 16 May 1952, several amendments in the rules have been made. Several new rules on various aspects of the procedure in the Rajya Sabha and its Committees have also been adopted by the Rajya Sabha in the meantime. The need for bringing all the amendments in the Rules of Procedure and Conduct of Business in the Rajya Sabha at one place has been felt for a long. In order to visualise the origin of a particular rule and the amendments subsequently made therein, one had to refer to various sources, making the job difficult and cumbersome.

An effort has, therefore, been made in the present compendium to bring all the major amendments/additions to the Rules of Procedure and Conduct of Business in the Rajya Sabha at one place. Recommendations of the Committee of Rules, made from time to time, have been grouped into the Chapters and sub-chapters. As far as possible, the references to amendments in rules have been given in a chronological order since 1952. An effort has also been made, to the extent possible, to highlight the amendments made in the original rules.

It is hoped that the compendium will enable the reader to have a comprehensive understanding of the rules and the changes /modification made in them over a period of time.

NEW DELHI,
September, 2010

V. K. AGNIHOTRI
Secretary-General

INTRODUCTION

Clause (1) of article 118 of the Constitution provides that each House of Parliament may make rules for regulating, subject to provisions of the Constitution, its procedure and conduct of business. Clause (2) of article 118 further provides that until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of the Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

When the Rajya Sabha first met on 13 May 1952, it had no rules of procedure of its own. For the purpose of regulating the procedure and conduct of business in the Rajya Sabha (Council of States), the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution were modified and adapted by the Chairman of the Rajya Sabha in exercise of the powers conferred by clause (2) of article 118 of the Constitution and were published in the Gazette of India, Extraordinary, dated 16 May 1952. The Rules Committee was constituted for the first time on 22 May 1952. It consisted of fourteen members. Suggestions for amendments of the rules as modified and adapted were received and considered by the Committee on Rules.

The Committee presented its first Report to the Chairman on 10 July 1952. The Chairman approved the amendments which were published in the Gazette dated 11 July 1952. The amendments pertained to questions and provided for half-an-hour discussion. The second Report of the Committee was presented to the Chairman on 2 August 1952. The amendments recommended by the Committee which provided for a Business Advisory Committee were approved by the Chairman and published in the Gazette dated 4 August 1952. The third Report of the Committee was presented to the Chairman on 14 August 1952. The amendments relating to election of Deputy Chairman and Bills were published in the Gazette dated 12 September 1952. The fourth Report of the Committee was presented to the Chairman on 24 December 1952. The amendments pertained to the report of the Select Committee on a Bill and consideration of a Money Bill. Thus, the old rules as modified and adapted by the Chairman, as mentioned above, continued to regulate the conduct and procedure of the Rajya Sabha until they were replaced by new rules in 1964.

On 7 September 1962, Shrimati Violet Alva moved a resolution regarding the setting up of a Committee of the Rajya Sabha to recommend draft Rules of Procedure under clause (1) of article 118 of the Constitution. The Committee consisted of fifteen members as mentioned in the resolution. The resolution was adopted on the same day. The Report of the Committee was presented to the House on 29 November 1963.

On 27 May 1964, Shri Mulka Govinda Reddy, a member of the Committee moved two motions for the consideration of the Report and adoption of the rules as Rules of Procedure and Conduct of Business of the House under article 118 (1) of the Constitution. The draft Rules were adopted on 2 June 1964. The Rules were published in the Gazette of India, Extraordinary, Part I, Section I, dated 1 July 1964. The Chairman appointed 1 July 1964, as the date on which the Rules would come into force.

The new rules, *inter alia*, introduced for the first time, procedures for Calling Attention and Short Duration Discussion. The Committee on Subordinate Legislation was also introduced and the scope of the Committee on Petitions was enlarged. Thus, the Rajya Sabha, for the first time, had its own set of Rules of Procedure and Conduct of its Business recommended by a Committee of the House in pursuance of clause (1) of article 118 of the Constitution on 1 July 1964.

The Committee on Rules of the Rajya Sabha thus, in a way, formally took over the charge of overseeing the working of the rules since 1 July 1964 when the Rajya Sabha had its own set of rules. Since then, whenever need was felt to amend a particular rule or add certain rules for making provisions for a particular procedure of the House or its Committees, the Committee had deliberated over the issue and given its recommendations to the House, through its reports for consideration and adoption. The Committee had not only confined its role to overseeing the working of the rules but also, on several occasions, deliberated over issues concerned more with the practice and procedures than with amendments of rules. The succeeding chapters in this compendium deal with important amendments/additions so far have been made in the rules. If there is no mention of the procedure pertaining to a particular rule/rules, it may be presumed that the concerned rule/rules have, for all practical purposes, remained unchanged since 1952.

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CHAPTER- 1

SHORT TITLE AND DEFINITIONS

- (i) When the rules were notified on 16 May 1952 the terms ‘Lobby’, ‘Precincts of the Council’ and ‘Table’ were not defined in sub-rule (1) of rule 2. The Committee to recommend draft rules of procedure for the Council of States constituted under article 118 (1) of the Constitution, recommended inclusion of these three terms in sub-rule (1) of rule 2 and defined them as follows:-

“Lobby” means the covered corridor immediately adjoining the Chamber and co-terminus with it,

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

“Table” means the Table of the Council of States (Rajya Sabha).

The amendments in sub-rule (1) of rule 2 were notified on 1 July 1964.

- (ii) The House, while considering the second and third reports of the Committee on Rules on 24 December 1981, recommended on its own, inclusion of the term “Leader of Council” and its definition, in sub-rule (1) of rule 2 as follows: -

“Leader of Council” means the Prime Minister, if he is a member of the Council, or a Minister if he is a member of the Council and is nominated by the Prime Minister to function as the Leader of the Council.

The amendments in sub-rule (1) of rule 2 were notified on 15 January 1982.

CHAPTER - 2

ELECTION OF DEPUTY-CHAIRMAN AND PANEL OF VICE-CHAIRMEN

- 1.1 Election of Deputy Chairman:** (i) At the time of inception of the rules on 16 May 1952, the proviso to sub-rule (2) of rule 7 (then rule 6) read as follows:-

6 (1) *** *** ***

(2) *** *** ***

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

The Committee constituted by the Chairman to suggest modifications in the rules under article 118 (2) of the Constitution recommended that in the proviso to sub-rule (2) of rule 7, the words “**propose his own name, or second a motion proposing his own name or**” be *omitted*. The amendment recommended by the Committee was approved by the Chairman *vide* Council of States notification no. CS/3/52-L dated 12 September 1952.

- (ii) Until 1981, in sub-rule (3) of rule 7, it was provided that a member in whose name a motion stands in the list of business may, when called, move the motion or withdraw the motion. The Committee on Rules, in its third report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that the expression ‘withdraw the motion’ appears to be inappropriate inasmuch as unless the motion is moved, the question of its withdrawal does not arise. The Committee, accordingly, recommended for amendment in sub-rule (3) of rule 7, *substituting* the words, “withdraw the motion” by “not move the motion”.

- 1.2 Panel of Vice-Chairmen:** The first panel of Vice-Chairmen was nominated by the Chairman, Rajya Sabha on 16 May 1952. It consisted of four members. Until the end of 1981, the panel of Vice-Chairmen consisted of four members. The Rules Committee, in its third report presented on 2 December 1981 and adopted on

24 December 1981, recommended that the strength of the panel should be increased to six members. The Committee observed that the present strength of the panel of four Vice-Chairmen was not sufficient as sometimes, especially when the House had prolonged sittings, none of the Vice-Chairmen was available for presiding. The Committee, accordingly, recommended amendment in sub-rule (1) of rule 8, increasing thereby the strength of panel of Vice-Chairmen from four to six members.

CHAPTER - 3

SITTINGS OF COUNCIL

The earlier rule 10 provided that 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. The Committee on Rules, in its third Report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that the phraseology gave an erroneous impression that the Chairman is also a member of the House like any other member. The Committee, accordingly, recommended amendment in rule 10 *substituting* the word **‘other’** by an article **‘a’**.

CHAPTER - 4
PRESIDENT'S ADDRESS

There was a provision in the rules (rule 22) under this chapter which stated that when the President prorogues the Council or Houses, he may address the Council or Houses as the case may be. The Committee on Rules in its third report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that the Constitution of India as it was framed in 1950 did provide for an address to the Houses by the President for prorogation. In view of the fact that *vide* Constitution (First Amendment) Act, 1951, the said constitutional provision was omitted, the Committee recommended that rule 22 be *omitted*.

The rule 22 was, accordingly, omitted from the Rules of Procedure and Conduct of Business in the Council of States.

CHAPTER - 5

ARRANGEMENT OF BUSINESS

5.1 Allotment of time for Private Members' Business:

- (i) Rule 24 of the Rules of Procedure and Conduct of Business in the Council of States deals with the allotment of time for private members' business. According to the original rule 24, the Chairman, after considering the state of business of the Council could allot so many days as might be possible for the transaction of private members' business and could allot different days for the disposal of different classes of such business, and on days so allotted for any particular class of business, business of that class would have precedence. The Committee to frame the draft rules of procedure under article 118(1) of the Constitution, however, amended the rule as follows:-

24. Unless the Chairman otherwise directs, every Friday shall be allotted for the transaction of 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.

- (ii) Prior to 1979, the rule did not provide that the private members' business should definitely be taken up at an appropriate time. However, in practice, on Fridays after the Question Hour, formal business, Calling Attention and mentioning of matters, if any, the private members' business entered in the List of Business for that day was usually taken up for consideration of the House.

It was noticed on one occasion that all the Business listed in the Agenda of the day other than the private members' business took so much time that the main private members' business on the Agenda could not be

taken up. It was, therefore, suggested that the afternoon sitting of each Friday should be reserved for transaction of private members' business only so that the same was definitely taken at the appointed time and for at least two and a half hours.

The Committee on Rules, in its second report presented on 22 May 1979 and adopted on 24 December 1981 recommended that in the erstwhile rule 24, *for* the words "every Friday shall be allotted for the transaction of private members' business" the words "**not less than two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business**" be *substituted*. Rule 24 was amended accordingly.

- (iii) Realizing the fact that there might be a closed holiday or no sitting of the House might have been fixed during the Session on a Friday, the Committee again considered rule 24 in its third report presented on 2 December 1981 and adopted on 24 December 1981. The Committee opined that if there was no sitting on a Friday in a week, two and a half hours should be allotted on any day other than Friday in the same week so that the private members' business is not skipped over by reason of Friday having no sitting of the House. The Committee, therefore, recommended that the following proviso be *added* to rule 24:-

“Provided further that if there is no sitting of the Council on a Friday, the Chairman may direct that not less than two and a half hours of a sitting on any other day in the same week may be allotted for the transaction of private members' business”

Rule 24 was further amended accordingly.

5.2 Procedure of Private Members' Resolutions: Rule 26 earlier provided that 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. The corresponding rule 154 relating to notice of Resolution under the Chapter 'Resolutions', provided that 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.

The Committee on Rules, in its second report presented on 22 May 1979 and adopted on 24 December 1981 observed that as per the practice in vogue since 1965, members who desire to give notices of resolutions, give in the first instance written intimation to that effect only. The names of members from whom such intimations are received within the stipulated time are balloted and those securing first five places in the ballot for any particular day allotted for private members' resolutions are requested to give notice of one resolution which, subject to admissibility under the Rules, is put down in the List of Business in the order of ballot. The Committee, therefore, felt that rule 26 (and also rule 154) should be suitably amended so as to bring it in conformity with the practice in vogue. The Committee, accordingly, proposed that the erstwhile rule 26 be *substituted* with the following :-

“The relative precedence of notices of intentions to move resolutions given by private members shall be determined by ballot, to be held in accordance with orders made by the Chairman, on such day as the Chairman may direct”

5.3 Procedure of Private Members' Bills: Since the inception of rules, the word “ballot” was being used for determining relative precedence of notices for private members' business. The Committee on Rules, in its third report presented on 2 December 1981, observed that the word may be *substituted* by a better expression *viz*, “**by draw of lot**” wherever it occurs in the rules.

Accordingly, minor amendments were effected in rules 25 (1), 26, 28(2) and 154 *substituting* the word “ballot” by the words “**by draw of lot**”

5.4 Relative Precedence of Bills: (i) Sub-rule (3) of rule 25 earlier provided as follows:-

25 (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.

The Committee, in its fourth report presented to the House on 19 March 1986 and adopted on 14 May 1986 observed that as per the existing orders of the Chairman, not more than 10 Private Members' Bills in the order of priority

in respect of which notices of next motions have been received are included in the list of private members' business for a particular day. According to the Committee, this procedure caused a lot of dissatisfaction amongst members who introduced Bills later and, therefore, had to wait for years before their Bills could see the light of the day in the House. Many a time, due to this procedure, Bills came up for consideration in the House at such a late stage that the very purpose of introducing the Bills got defeated. There were occasions in the past when some Bills did not come up for a discussion at all, the sponsors of such Bills having retired in the meantime.

The Committee gave careful consideration to this matter and recommended amendment in sub-rule (3) of rule 25 so that instead of Bills being balloted, the names of persons in-charge of the Bills would be balloted and the members securing the first ten places in the ballot would be asked to choose their Bills. It was also made clear that no member shall be able to take up more than one Bill for consideration in the same Session. The Committee, accordingly, proposed that for the existing proviso to sub-rule (3) of rule 25, the following proviso be *substituted*:-

“Provided that for the purpose of determining the relative precedence of Bills falling under clause (h) of sub-rule (2), names of member-in-charge shall be drawn by lot and Bills of those members who secure the first ten places in the draw shall be included in the List of Business for any day allotted for the disposal of Private Members' Bills;

Provided further that if a member has more than one Bill pending against his name, he shall be eligible to select one of his Bills;

Provided also that no member shall be eligible to make any motion in respect of more than one Bill falling under clause (h) of sub-rule (2) in the same session.”

The rule 25 (3) was accordingly amended and made effective from 1 July 1986.

- (ii) As a consequence of the above amendment in rule 25, sub-rule (4) of rule 29, which hitherto did not mention about the limit of number of Bills to be listed in the list of business was also amended and the existing rule was *substituted* with the following:-

- *29 (4) Unless the Chairman otherwise directs, ***not more than ten Bills falling under clause (h) of sub-rule (2) of rule 25, or five resolutions in addition to any Bill or resolutions falling under proviso to rule 27 or sub-rule (2) of rule 28*** shall be set down in the list of business for any day allotted for the disposal of ***private members' Bills or resolutions, as the case may be.***

The rule 29 (4) was amended accordingly and made effective from 1 July, 1986.

5.5 Business Outstanding at the end of the day: In rule 27, it was earlier provided that 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. In order to save resolution, motions and amendments which are under discussion in a Session from lapsing on account of prorogation of the House, the Committee in its third report recommended that for the words "not disposed of" the words "**not taken up**" be *substituted*. The Committee further recommended that in the proviso to the rule, after the words "**business of that class**", the words "**in the same or next session, as the case may be**" be *inserted*.

The House while considering the third report, however, **did not** approve the latter recommendation of the Committee. Rule 27 was, therefore, amended to the extent of earlier recommendation only. The amended rule 27, which came into effect from 15 January 1982 stood as follows:

'Private members' business set down for the day allotted for that class of business and ***not taken up on*** that day, shall not be set down for any subsequent day, unless it has gained priority in the draw of lot held with reference to that day.'

5.6 Resumption of Adjourned Debate on a Private Members' Bill or Resolution: At the time of inception of rules in 1952, sub-rule (2) of rule 28 provided that in case of a Bill, the debate on which was adjourned *sine die*, it was necessary for the member concerned to give a notice for resumption of

* amendments in the earlier rule have been highlighted in bold italics.

adjourned debate and such a notice had also to go through the process of ballot (draw of lot). The Committee, in its fourth report observed that it was not necessary for such a Bill to undergo the process of ballot, rather it should have precedence over other Bills. The Committee, accordingly, recommended that in sub-rule (2) of rule 28, for the words “and on receipt of such notice the relative precedence of such a Bill or resolution shall be determined by draw of lot”, the following be *substituted*:-

“and on receipt of such notice such a Bill or resolution shall have precedence over other Bills or resolutions, as the case may be, set down for that day.”

Rule 28 (2) was, accordingly, amended and made effective from 1 July 1986.

5.7 Business Advisory Committee: (i) It is one of the important Committees intimately connected with the Government and other business to be taken up in the House and also allocates time for transaction of business of the House. The Committee was not provided in the rules when they were first notified on 16 May 1952. The Committee constituted by the Chairman to suggest modifications in the rules under article 118 (2) of the Constitution recommended for including provisions under the rules for a Business Advisory Committee. The recommendation of the Committee was accepted by the Chairman and the rules pertaining to Business Advisory Committee were notified *vide* Council of States notification no. CS/3/52-L dated 4 August, 1952. The original rules did not provide for Deputy Chairman to be a member of the Committee. The relevant rules provided that the Committee shall consist of not more than ten members including the Chairman of the Council of States who shall be the Chairman of the Committee. The Committee on Rules, in its third report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that as a matter of convention and practice, Deputy Chairman is invited to attend the meetings of Business Advisory Committee as a special invitee. The Committee recommended that the Deputy Chairman should be made a member of the Business Advisory Committee and that the Committee’s membership should be **extended from ten to eleven** for that purpose. Accordingly, rule 30 (1) was amended.

(ii) Prior to 1964, the functions of the Committee included, *inter alia*, recommending the time that should be allocated for discussion of the stage or stages of such Government Bills as the Chairman of the

Council in consultation with Leader of the Council may direct for being referred to the Committee. The Committee to frame draft rules of procedure under article 118 (1) of the Constitution **added** the words **“and other business”** after the words Government Bills in rule 33 (1). In its third report, the Committee observed that there was no mention of allotment of time for private members’ business. The Committee felt that the Business Advisory Committee should be specifically empowered to allot time for such business also. The Committee, accordingly, proposed that sub-rule (1) of rule 33 be suitably amended. The amended sub-rule (1) included, among other things, the provision for Business Advisory Committee to recommend time that should be allocated for the discussion of stage or stages of private members’ Bills and resolutions.

- (iii) The Committee also recommended certain other amendments in rules 30-36 which were of drafting and verbal nature *e.g.*, in sub-rule (2) of rule 33, for the words “time table”, the words **“allocation of time”** were **substituted** and in rules 33 (2) and 36 **for** the words “Chairman of the Council”, the word **“Chairman”** was **substituted**.
- (iv) Rule 35 of the Rules of Procedure and Conduct of Business regarding allocation of time order, *inter alia*, provides for moving motion by the Deputy Chairman or, in his absence, by any other member of the Committee to the effect that the 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. The Committee on Rules, in its third report observed that the Business Advisory Committee, as per long established practice and convention, does not adopt any formal report, nor such report is formally presented to the House. The Chair only announces the time allotted to various items of Government and other Business. The Committee opined that rule 34 regarding report of allocation of time to the Council should be suitably amended and rule 35, as a consequence thereof, be **deleted**. The Committee, accordingly, recommended following substitution for the existing rule 34:

34. Report of Allocation of Time to the Council:- The allocation of time in regard to the Bill or group of Bills or other Business as recommended by the Committee, shall be reported by the

Chairman, or in his absence, by the Deputy Chairman of the Council **and the same shall thereafter take effect as if it were an Order of the Council** and be notified in the Bulletin.

The House, while considering motions for consideration and adoption of the third report of the Committee on Rules however, **did not** favour the amendment proposed in rule 34 and deletion of rule 35 as recommended by the Committee.

CHAPTER - 6

QUESTIONS

6.1 Time for Questions: When the Rajya Sabha met first on 13 May 1952 there was no Question Hour in the House. The rules notified on 16 May 1952 provided time for Questions as follows—

Rule 29 (old): Time for Questions

“The Chairman shall determine the day or days not exceeding two days in a week on which questions shall be set down for answer and the time that will be available for the asking and answering of questions at a meeting of the Council.”

The Committee constituted by the Chairman to suggest amendments/modifications in the rules, at its meeting held on 10 July 1952, recommended that the said rule be modified as follows—

“Unless the Chairman otherwise directs, the first hour of the sittings on every Monday, Tuesday, Wednesday and Thursday shall be available for the asking and answering of Questions.

Provided that if in any week, the Council does not sit on any of those days, but sits on Friday, the first hour on that Friday shall also be available for the asking and answering of Questions.”

The rule so modified by the Committee and approved by the Chairman was notified on 11 July 1952.

The Committee to recommend draft Rules of Procedure constituted under article 118 (1) of the Constitution substituted the old rule 29 with the following:

Rules 38 (new) Time for Questions

Unless the Chairman otherwise directs, the first Hour of every sitting shall be available for asking and answering of questions.

The amended rule, as recommended by the Committee, was made effective from 1 July 1964.

6.2 Limit of Number of Starred Questions: The original rule in this regard was that not more than one question distinguished by an asterisk by the same member shall be placed on the list of Questions for oral answer on any one day and not more than three Questions in all shall be placed in the list of Questions for oral answer on any one day. The rule was further modified on 11 July 1952, as suggested by the Committee to recommend amendments/modifications in the rules and approved by the Chairman, so as to provide not more than three Questions distinguished by asterisks by a member for being placed in the list of Questions for oral answer and Questions in excess of three to be placed in the list of Questions for written answers. The Committee further provided in sub-rule (2) of the relevant rule that 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.

The Committee on Rules, in its twelfth report presented to the House on 14 December 2009 and adopted on 15 December 2009 *substituted* the relevant rule (rule 43) with the following –

Rule 43. Limit of number of starred questions

- (1) Not more than *one* question distinguished by an asterisk by the same member shall be placed on the list of questions for oral answer on any one day. Questions in excess of one shall be placed on the list of questions for written answers.
- (2) *Each question included in the list of questions for oral answer will be in the name of one member only by virtue of his position in the ballot.*
- (3) *Unless the Chairman otherwise directs, where a member has given more than one notice of questions distinguished by an asterisk for same day, his question for the list of questions for oral answer shall be selected in the order indicated by the member and if no such order is indicated, any of these questions shall be placed on the list of questions for oral answer in the order in which notices are received in point of time.*

The Committee, while recommending the above amendment, observed that it will facilitate more members to ask supplementaries on a Starred Question.

The new rule 43 was made effective from 22 February, 2010.

6.3 Conditions of Admissibility of Questions: (A) Regarding *sub judice* matters, the earlier rule 47(2)(xix) provided that a question shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India. The Committee on Rules, in its second report presented on 22 May 1979 observed that members sometimes table questions relating to matters pending before quasi judicial authorities, statutory tribunals, *etc.*, supplying information regarding which may sometimes prejudice the consideration of these matters by such authorities. The Committee, therefore, opined that rule 47(2)(xix) should be extended to matters before such quasi judicial authorities, tribunals, court of inquiry, *etc.*, and recommended insertion of following new clause (xxiii) –

(xxiii) it shall not ordinarily ask about matter pending before any statutory tribunal or statutory authority performing any judicial or quasi judicial functions or any Commission or court of enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry, if it is not likely to prejudice the consideration of the matter by the tribunal or authority or Commission or court of enquiry.

The House, while considering the second report of the Committee on 24 December 1981, however, **did not** favour the above addition of clause (xxiii) in rule 47(2) recommended by the Committee.

(B) The Committee, in its third report presented on 2 December 1981 and adopted on 24 December 1981 recommended minor amendments in clauses (ix) and (x) of rule 47(2). The word “**ordinarily**” was *inserted* after the words “**shall not**” so as to amend the clause (ix) as follows -

47(2)(ix) it shall not **ordinarily** ask for information on matters which are under consideration of a Parliamentary Committee.

The Committee, while amending the above clause observed that the amendment would permit tabling a question on such a matter in exceptional cases.

In clause (x), for the words “**the Committee**”, the words “**a Parliamentary Committee**” were substituted so as to amend the clause (x) as follows -

47(2)(x) it shall not ask about proceedings in **a Parliamentary Committee**

which have not been placed before the Council by a report from the Committee.

- (C) Clause (vii) of rule 47(2) since 1952, provided that a question **shall not ordinarily exceed 150 words**. The Committee, in its seventh report presented on 14 February 1995 recommended for *substituting* the words “ordinarily exceed 150 words” with “exceed 50 words”. The House, while considering the report of the Committee on 30 May 1995, **agreed for 100 words**, instead of **50 words**, as limit of words of a question. The amended clause (vii), as adopted by the House, read as follows -

47(2) (vii) it shall ordinarily not exceed **100 words**.

- (D) There was no clause to the effect that a question should be clearly and precisely expressed when the rules were first notified on 16 May 1952. The clause was recommended by the Committee to recommend draft rules of Procedure in 1964 for being included in the conditions of admissibility of questions as clause (i) as follows -

“(i) it shall be clearly and precisely expressed”.

The Committee, in its seventh report, presented on 14 February 1995, recommended that for the words “clearly and precisely expressed” the words “**pointed, specific and confined to one issue only**” be *substituted*. The amended clause (i) of rule 47(2) adopted by the House on 30 May 1995, read as follows –

47 (2) (i) *it shall be pointed, specific and confined to one issue only.*

6.4 Notice Period: The rules notified on 16 May 1952 provided for 10 clear days for a notice of question. The Committee on Rules, in its seventh report presented on 14 February 1995 recommended for incorporation of the Chairman’s Directions given on 30 March 1994 extending the notice period of questions from ten clear days to fifteen clear days, in the rules. The rule 39 was, accordingly, amended as follows –

“39. Unless the Chairman otherwise directs, not less than **fifteen clear days**’ notice of a question shall be given.”

The amended rule 39 was made effective from 15 June 1995.

6.5 Starred Questions not Replied Orally: Until 1981, the rule 45 in regard to Starred Questions not replied orally provided as follows –

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 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.

The Committee, in its third report presented on 2 December 1981 and adopted on 24 December 1981 observed that the practice in vogue in this regard was that if any question on the list of questions for oral answer does not reach for answer, a written reply to that question is deemed to have been laid on the Table. The Committee, therefore, recommended that rule 45 should be amended so as to bring it in conformity with the practice in vogue. The Committee further recommended for insertion of a proviso to rule 45 to give opportunity to a member to withdraw his question if he states that it is not his intention to ask the question. The rule 45 was, therefore, amended as follows—

45. Starred Questions not replied orally

If any question placed on the list of questions for oral answers on any day is not called for answer within the time available for answering questions on that day, a written answer to such a question **shall be deemed to have been laid on the Table by the Minister concerned at the end of the question hour or as soon as the questions for oral answers have been disposed of, as the case may be:**

Provided that if a member on being called by the Chairman states that it is not his intention to ask the question standing in his name, the question shall be treated as having been withdrawn and no written answer shall be deemed to have been laid on the Table.

6.6. Chairman to decide admissibility of a Question to be answered orally:

Prior to 1981, proviso to rule 50 read as follows –

Rule 50. xx xx

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.

The Committee, in its third report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that proviso is in obligatory

terms and should be reworded so as to leave it to the Chairman to give any direction in regard to treating a notice of a question for oral answer and a notice of a question for written answer. The Committee, therefore, recommended following proviso, as amended, to rule 50 –

“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, *give his direction*.”

Rule 50 was amended accordingly and made effective from 15 January 1982.

6.7 Mode of Asking Questions/Questions of absent Members: The rule 54 and the rule 55 on these two subjects remained the same since 16 May 1952 to 15 December 2009 when the House adopted the twelfth report of the Committee on Rules. The Committee, in its said report, observed, *inter alia*, that very often, the House does not get comprehensive information from the Government on an issue of public importance sought by members through the question because the member in whose name the question is listed happens to be absent or does not put the question. The Committee felt that this deprived other members, as well as the whole House, from putting supplementaries and receiving further information from the Government, which otherwise would have been given had the question been put by the concerned member. The Committee, therefore, recommended amendment in sub-rule (3) of rule 54 as follows –

54. Mode of asking questions

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XX

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#(3) If on a question being called is not put or the member in whose name it stands is absent, the Chairman *shall direct that the answer to it be given*.

As a consequence to the above amendment, the Committee recommended that rule 55* relating to questions of absent members be *deleted*.

Earlier rule 54 (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 answer to it be given.

***55. Questions of absent Members:** 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 authorized by him.

The amendments in rule 54(3) and deletion of rule 55 were made effective from 22 February 2010.

6.8 Limit on number of Questions for oral and written answers: Prior to 1995, there was no provision under the relevant rules limiting the total number of questions for oral and written answers. Based on Directions given by the Chairman, Rajya Sabha on 13 November 1962, not more than thirty questions were included in the list of questions for oral answer. Again, in the Directions of the Chairman made effective from the 107th Session of Rajya Sabha in 1978, not more than twenty questions were included in the list of questions for oral answer. Since then, while the printed list of starred questions used to contain twenty questions, the one for unstarred list (questions for written answer) would contain as many questions as were received and admitted for a particular date.

The Committee in its seventh report presented on 14 February 1995 and adopted on 30 May 1995 considered this matter and observed that on days when a large number of notices are admitted, the unstarred list becomes quite bulky and cumbersome. The Committee felt that there should be a limit to the number of questions and recommended that limit to be of 150 questions, including 20 questions for oral answers, questions postponed from one list of questions to another for written answers and fifteen questions pertaining to States which are under the President's Rule. The Committee, accordingly, recommended a new rule 51A for the purpose, as follows –

51A. Limit on number of questions for oral and written answers:

The total number of questions to be included in the list of questions for oral and written answers for any one day shall be limited to 150, including 20 questions for oral answers, questions postponed from one list of questions to another for written answer and fifteen questions pertaining to the States under the President's Rule.

The House, while considering the seventh report of the Committee, however, adopted the new rule 51A recommended by the Committee in a slightly modified form as follows –

51A. Limit on number of questions for oral and written answers:

The total number of questions to be included in the lists of questions for oral and written answers for any one day shall be limited to 175, including 20 questions for oral answers, questions postponed from one list of questions to another for written answers and 15 questions pertaining to the States under the President's Rule.

The new rule 51A was made effective from 15 June 1995.

6.9 Balloting of Questions: The Committee, in its seventh report presented to the House on 14 February 1995 had considered the question of balloting of Ministries and names of members and observed, *inter alia*, that sometimes, one or two Ministries occupy positions in question list in close succession, with the result that Question Hour is expanded largely on one or two Ministries. Questions relating to other Ministries remain without oral answer. The Committee, therefore, suggested that with a view to ensuring that all Ministries for a particular Question Hour find place in the Question list, first a Ministry-wise ballot may be conducted and thereafter, names of members who have given notice concerning these Ministries indicating their *inter se* priority may be balloted. The Committee recommended insertion of a new rule 40A for this purpose, as follows:-

Rule 40A [New Rule] Balloting of Questions

After Rule 40, the following rule be *inserted*, namely: -

40A.A Ministry-wise ballot shall be held for determining the *inter se* priority of Ministries against which questions shall be included in a list of questions for oral answers for a day, and thereafter, ballot shall be held for determining the *inter se* priority of members in the list of questions pertaining to such Ministries.

Provided that a Member may be given only one position of priority in the ballot for a day.

The House, while considering the seventh report on 30 May 1995, however, *did not* favour the insertion of the new rule 40A recommended by the Committee.

6.10 Answers not to refer to Proceedings in House: The Committee constituted under article 118 (1) of the Constitution to recommend draft rules of Procedure suggested a new rule as follows:

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.

The new rule (rule 57) was made effective from 1 July 1964.

6.11 Half-an-Hour Discussion: The provision for raising discussion arising out of answer given to a question was not provided when the rules were first notified on 16 May 1952. The Committee to suggest modifications in the rules to the Chairman Constituted under article 118 (2) of the Constitution

recommended inclusion of a provision in the rules for raising Half-an-Hour discussion on a matter of sufficient public importance which has been the subject of a question in Council irrespective of the fact whether the question was answered orally or the answer was laid on the Table. The Committee, *inter alia*, recommended two days in week, namely Wednesday and Friday when the Chairman shall allot such a discussion from 5:00 p.m. to 5:30 p.m. The rules pertaining to Half-an-Hour discussion as recommended by the Committee were approved by the Chairman and notified on 11 July 1952. The Committee to frame draft rules of Procedure constituted under article 118(1) of the Constitution amended the relevant rule further enabling the Chairman to allot any day for raising a Half-an-Hour discussion instead of two days. The Committee also recommended for adding a provision to sub rule (5) of rule 60 to the effect that if the member who has given notice is absent than any member who has supported the Notice may be allowed to initiate the discussion, with the permission of the Chairman. The amended rules were made effective from 1 July 1964.

CHAPTER - 7
LEGISLATION

7.1 Report of Select Committee on Bills: At the time of inception of the rules on 16 May 1952, there was no provision with regard to authentication of the report of Select Committee on Bills.

The Committee to recommend modification in the rules, in its meeting held on 22 December 1952, recommended insertion of sub-rule (5) in rule 90 as follows:-

- (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 not readily available, the Committee shall chose another member to sign the report on behalf of the Committee.

xx xx xx xx xx

The amended rule was notified *vide* Council of States notification no. CS/3/53-L dated the 23rd January, 1953.

7.2 Minutes of Dissent to the Report of Select Committee on Bills: The Chairman, Rajya Sabha had issued Directions on 28 November 1994 regarding minutes of dissent registered by members in a Report of the Select Committee. The Committee, in its seventh report presented on 14 February 1995 and adopted on 30 May 1995 recommended that the Directions of the Chairman may be incorporated in the relevant rule in the Rules of Procedure and Conduct of Business in the Council of States. Accordingly, the erstwhile sub-rules (6) and (7) of rule 90 were substituted by the following rules*:

90(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 reports, *so however, a minute of dissent on the report of a Committee shall be couched in temperate and decorous language and shall not refer to any discussion in the Committee nor cast aspersions on the Committee or Chairman of the Committee.*

90(7) (i) If in the opinion of the Chairman of the Committee, a minute of dissent contains words, phrases or expressions which are

* *The amendments made in the earlier sub-rules have been highlighted.*

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

(ii) Notwithstanding anything contained in sub-paragraph (i) above, the Chairman shall have the power to order expunctions in like circumstances or to review all decisions regarding expunction from minutes of dissent and his decision shall be final.

7.3 Conditions of Admissibility of Amendments: (i) The Committee constituted under article 118 (1) of the Constitution to frame draft rules of procedure recommended inclusion of following new clause-

“An amendment shall not be moved, which has merely the effect of a negative vote.”

The new clause [Clause (ii), rule 96] was made effective from 1 July 1964.

(ii) Prior to 1981, clause (vii) of rule 96 provided that the Chairman may refuse to propose an amendment which is, in his opinion, frivolous or meaningless. The Committee, in its third report observed that appropriate place for this provision is in clause (iv) itself which provides that an amendment shall not be such as to make the clause it proposes to amend unintelligible or ungrammatical. The Committee further felt that the Chairman should specifically be empowered to refuse to propose an amendment which contravenes these rules. The Committee, accordingly, recommended the amendment in clause (iv), deletion of clause (vii) and addition of a new clause (ix). The amended clause (iv) now read as follows:

“(iv) An amendment shall not be frivolous or be such as to make the clause which it proposes to amend unintelligible or ungrammatical.”

The new clause (ix), renumbered as clause (viii) due to the deletion of clause (vii), proposed by the Committee read as follows:-

“(viii) The Chairman may refuse to propose an amendment which, in his opinion, contravenes these rules.”

The Committee also recommended an amendment of drafting nature in clause (vi) which read -

“The Chairman shall determine the place in which an amendment shall

be moved for the words “the place in which” the words “**the order in which**” were *substituted*.”

7.4 Financial Memorandum to Bills:- Sub-rule (2) of rule 64 earlier mentioned about “expenditure from public funds”. The Committee, in its third report, observed that as the expression “public fund” was not used in the Constitution, the same should be deleted which incidentally will also bring that rule in line with sub-rule (1) of rule 64 wherein the word “expenditure” has been used without any qualifying words. The Committee, therefore, recommended that in sub-rule (2) of rule 64, *for* the words “Bills involving expenditure from public funds” the words “**Bills involving expenditure**” be *substituted*.

Sub-rule (2) of rule 64 was amended accordingly, *vide* third report of the Committee presented on 2 December 1981 and adopted on 24 December 1981.

7.5 Reference of a Bill to Select Committee: The rule 125, as originally notified, read as follows:-

“Any member may (if the Bill has not already been referred **to a Select Committee of the House or** to a joint Committee of both 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.”

The Committee constituted by the Chairman to suggest modifications in the rules under article 118 (2) of the Constitution felt that the House should have a right to have a Select Committee of its own on any Bill and, therefore, recommended that the words “**to a Select Committee of the House or**” be *deleted* from rule 123 (now rule 125). The recommendation of the Committee was approved by the Chairman and the amended rule was notified *vide* Council of States notification no. CS/3/52-L dated the 12 September 1952.

7.6 Statement in connection with Ordinances: Until 1964, there were no provision in the rules relating to placing before the Council the statement explaining the circumstances which had necessitated legislation by Ordinance, along with the Bill seeking to replace the Ordinance, and similarly, laying of a statement explaining the circumstances which had necessitated legislation by Ordinance in respect of a Bill pending before the Council, on the Table before the commencement of every session. The Committee to recommend

draft rules of procedure under article 118 (1) of the Constitution suggested inclusion of following new rules for the purpose:-

- (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 at the commencement of the session following the promulgation of the Ordinance.

The new rule (rule 66) was made effective from 1 July 1964.

7.7 Withdrawal of a Bill: The Committee to recommend draft rules of procedure under article 118 (1) of the Constitution suggested inclusion of the following provisio to rule 118:

“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.”

The amended rule 118 was made effective from 1 July 1964.

7.8 Removal of a Bill from the Register of Bill: The Committee to frame draft rules of procedure under article 118 (1) of the Constitution recommended for inclusion of the following sub-rules to rule 120:

120 (1) xxx xxx xxx
 xxx xxx xxx

- (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 members’ 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.

The amended rule 120 was made effective from 1 July 1964.

CHAPTER - 8

RESOLUTIONS

8.1 Notice of Intention to Move a Resolutions: Rule 154 providing for moving a Resolution in the House by a private member, as originally notified on 16 May 1952 read as follows –

“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 resolution which he wishes to move.

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

The Committee, in its second report presented on 22 May 1979 and adopted on 24 December 1981 observed that as per practice in vogue since inception of the rules, members who desire to give notice of resolution, give in the first instance written intimation to that effect only. The names of Members from whom such intimations are received within the stipulated time are balloted and those securing the first five places in the ballot for any particular day allotted for private members’ resolutions are requested to give notice of one resolution each, which subject to admissibility under the rules, is put down in the List of Business in the order of ballot. The Committee, in view of the practice in vogue with regard to notice of intention to move a resolution, recommended that *for* the existing rule, the following be *substituted*:

“A member other than a Minister who wishes to move a resolution on a day allotted for private members’ resolutions, shall give a notice to that effect at least two days before the date of ballot¹. The names of all Members from whom such notices are received shall be balloted² and those members who secure the first five places in the ballot¹ for the day allotted for private members’ resolutions shall be eligible to give notice of one resolution each within ten days of the date of ballot.”

¹ Substituted subsequently by the words ‘draw of lot’ *vide* third report of the Committee on Rules, adopted on 24 December 1981 .

² Substituted subsequently by the words ‘drawn by lot’ *vide* third report of the Committee on Rules adopted on 24 December 1981.

8.2 Form of Resolution: The rule 155 relating to the form of resolution was originally framed as follows:–

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

The Committee, in its third report presented to the House on 2 December 1981 and adopted on 24 December 1981 observed that the Chairman should be vested with power to admit a resolution in such other form as he may deem appropriate . The Committee, therefore, recommended that the words “**or in such other form as the Chairman may consider appropriate**” be *added* at the *end* of the rule 155 existing hitherto. The rule 155 was accordingly amended as follows –

“A resolution may be in the form of a declaration of opinion by the Council *or in such other form as the Chairman may consider appropriate.*”

CHAPTER - 9

HOUSE COMMITTEES

9.1 Background:At the time of inception of rules, *i.e.* on 16 May, 1952, there were already provisions for some of the House Committees. A Committee on Petitions was provided under old rules 103-114. This Committee, however, was a part of legislative procedure and confined only to the petitions on Bills. The Committee, in essence, dealt with the petitions relating to a Bill which had been published under rule 49 (Now rule 61) or which had been introduced or in respect of which notice of a motion had been received. The provisions for a Committee of Privileges and Committee on Rules were already there in the old rules, though in a slightly different form. There were no provisions for Committees like the Business Advisory Committee, the Committee on Subordinate Legislation and the Committee on Government Assurances.

9.2 Business Advisory Committee: On the recommendations of the Committee constituted under article 118(2) of the Constitution to suggest amendments /modifications in the rules to the Chairman, the Business Advisory Committee was notified for the first time *vide* Council of States notification no.CS/3/52-L dated 4 August 1952 published in the Gazette of India, Extraordinary, Part I, Section 1. For other details, see Chapter 5, para 5.7.

9.3 Committee On Petitions: The Committee constituted under article 118(1) of the Constitution to recommend draft Rules of Procedure enlarged the scope of the rules relating to petitions so as **to make provision also for petitions on matters of general public interest.** Accordingly, rules relating to petitions/ Committee on Petitions as also the first Schedule (Form of Petition) were redrafted. The old rules 103-114 were replaced by the new rules 137-153 as they exist now, which became effective from 1 July 1964. In the new scheme of rules, the Petitions/Committee on Petitions was placed under a separate Chapter X. As against the old rule, the new rule with regard to petitions stated that Petitions may be presented or submitted to the Council with the consent of the Chairman in accordance with these rules. The new rules provided for scope of petitions (rule 138) as follows –

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.

The strength of the Committee on Petitions was also increased from five to ten members and consequently, a provision for Quorum of the Committee was also made in the rules which was five.

9.4 Committee on Subordinate Legislation: The rules as originally notified did not have the provision for a Committee on Subordinate Legislation. The Committee constituted under article 118(1) of the constitution to recommend draft Rules of Procedure provided for a separate Chapter for a Committee on Subordinate Legislation **to scrutinize and report to the Council whether the power delegated by Parliament have been properly exercised within the framework of the statute delegating such power (Rule 204).**

The Committee on Rules in its first report presented to the House on 10 April, 1972 and adopted on 1 June, 1972 *substituted* rule 204 with the following–

“204. Committee on Subordinate Legislation

There shall be a Committee on Subordinate Legislation **to scrutinize and report to the Council whether the powers to make rules, regulations, bye-laws schemes or other statutory instruments**

conferred by the Constitution or delegated by Parliament have been properly exercised within such conferment or delegation, as the case may be.”

The Committee further redefined duties of the Committee on Subordinate Legislation provided under rule 209 as follows –

- “209. Duties of Committee:- After each rule, regulation, bye-law, scheme or other statutory instrument (hereinafter referred to as the ‘order’) framed in pursuance of **the Constitution** or the legislative function delegated by Parliament to a subordinate authority and which is required to be laid before Parliament, is so laid before the Council, the Committee shall, in particular, consider –
- (i) whether **the order** is in accord with the provisions of **the Constitution** or the Act pursuant to which it is made;
 - (ii) whether **the order** contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - (iii) whether **the order** contains imposition of taxation;
 - (iv) whether **the order** directly or indirectly bars the jurisdiction of the court;
 - (v) whether **the order** gives retrospective effect to any of the provisions in respect of which **the Constitution** or the Act does not expressly give any such power;
 - (vi) whether **the order** involves expenditure from the Consolidated Fund of India or the public revenues;
 - (vii) whether **the order** appears to make some unusual or unexpected use of the power conferred by **the Constitution** or the Act pursuant to which it is made;’
 - (viii) whether there appears to have been unjustifiable delay in its publication or laying **the order** before Parliament;
 - (ix) whether for any reason the form or purport of **the order** calls for any elucidation.

[The words in bold letters represent the amendments in the rules framed in 1964]

The rules 204 and 209 were accordingly amended, as recommended by the Committee and became effective from 1 July 1972.

9.5 Committee on Government Assurances: Until June 1972, there was no provision under the rules for a Committee on Government Assurances. The Committee, in its first report presented to the House on 10 April 1972 and adopted on 1 June 1972 observed that the system existing hitherto with regard to the assurances given by the Ministers on the floor of the Rajya Sabha was that the Department of Parliamentary Affairs pursued the matters with, and collected the necessary information from the Ministries/Departments concerned, which, in due course, was laid on the Table of the House by the Minister of Parliamentary Affairs. The Committee felt that the practice in vogue in this regard left the entire thing to the sweet will of the Ministries. The Committee opined that Rajya Sabha should have its own Committee on Government Assurances. The Committee, therefore, recommended new rules relating to the constitution and functioning of the Committee on Government Assurances (Rules 212A-212G) under a new Chapter XXII-A. The new rules, as they exist now, became effective from 1 July 1972.

9.6 Committee on Papers Laid on the Table: Until November 1981, there was no provision under the rules for a Committee on Papers Laid on the Table. The Rules Committee, in its second report, considered a suggestion regarding the setting up of a Committee on Papers Laid on the Table. The Committee observed that most of the reports were laid on the Table of the House after a lapse of years and it had become a general practice that the reports of the Commissioner for Scheduled Castes and Scheduled Tribes and those of the Union Public Service Commission for two to three years were taken up together for discussion. Before taking a final decision in the matter, it was referred to the Leaders of various parties/groups in the Rajya Sabha for eliciting their views. As agreed to by the Leaders, the Committee recommended that the Rajya Sabha should have such a Committee on the pattern of the similar Committee in the Lok Sabha.

A new Chapter XVII B was added providing for a Committee on Papers Laid on the Table under new rules 212 (H) – 212 (O). The Committee became effective since 15 January 1982 when new rules were notified.

9.7 House Committee:- Although, in effect, a House Committee to deal, *inter alia*, with all matters relating to residential accommodation of members, to supervise over facilities for accommodation, *etc.* was in existence since the inception of Rajya Sabha yet it was not provided in the main corpus of the

rules. The Committee on Rules, in its fourth report presented to the House on 19 March 1986 and adopted on 14 May 1986 observed that there was no reason as to why the House Committee should not find a place in the rules. The Committee, accordingly, recommended new rules 212 P - 212 W providing for a House Committee under a new chapter XVII C. The new rules were made effective from 1 July 1986.

9.8 General Purposes Committee: Like the House Committee, the General Purposes Committee (GPC) though not provided under the rules till April 2000 existed since 22 May 1957 when it was first constituted with 16 members to consider and advise the Chairman on matters concerning the affairs of the House or the matters which do not appropriately fall within the purview of any other Parliamentary Committee. The Committee on Rules in its eighth report presented to the House on 12 May 2000 and adopted on 15 May 2000 considered the matter regarding incorporation of GPC in the corpus of the Rules of Procedure and Conduct of Business in the Council of States. Earlier, the GPC at its meeting held on 28 July 1999 also felt that the Committee should find a place in the corpus of Rules of Procedure and Conduct of Business in the Council of States. The Committee on Rules, accordingly, recommended new rules 278-285 providing for the GPC under a new chapter XXIII.

9.9 Committee on Ethics: The emergence of Committee on Ethics is relatively of recent origin. The Committee on Rules considered the draft rules relating to Committee on Ethics for the first time on 6 March 2000. On 14 July 2004, the rules relating to Committee on Ethics were adopted by the Committee on Rules while considering its ninth report which was presented to the House on 20 July 2004 and adopted on the same day. The Committee recommended new rules 286-303 providing for a Committee on Ethics under a new Chapter XXIV. The new rules were made effective from 20 July 2004.

9.10 Committee on Rules: The Committee, existing under the rules since their inception, originally consisted of fifteen members including the Chairman of the Council who was *ex officio*, to be the Chairman of the Committee. There was neither any provision for Deputy Chairman to be a member of the Committee nor any procedure/provision for presentation of report of the Committee to the Council. The Committee was to recommend to the Chairman any amendments or additions to the rules deemed necessary. The Committee to frame draft rules of procedure under article 118(1) of the Constitution recommended inclusion of a provision for laying of every report of the Committee on Rules on the Table. The relevant rules in this regard, as recommended by that Committee were as follows –

219. Every report of the Committee containing its recommendations shall be laid on the Table.
- 220.(1) As soon as may be after the report has been laid on the Table, a motion may be moved by a member of the Committee designated by the Chairman of the Council¹ 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]¹ may appoint.

The Committee on Rules, in its third report, considered, *inter alia*, its own rules of procedure and like in the case of certain other Committees, observed that the Deputy Chairman should also be made a member of the Committee in order to facilitate the work of the Committee as well as moving necessary motions in the Council in regard to amendments recommended by the Committee. The Committee, accordingly, recommended that rules 217, 219, 220(1) and 220(3) be suitably amended. The amended rules, as they exist now, read as follows –

217. Constitution -

- (1) The Committee on Rules shall be nominated by the Chairman and shall consist of *sixteen* members including the Chairman ***and the Deputy Chairman.***
- (2) The Chairman shall be the Chairman of the Committee.
- (3) The Committee nominated under sub-rule (1) shall hold office until new Committee is nominated.
- (4) Casual vacancies in the Committee shall be filled by the Chairman.

¹ Deleted subsequently by the Rules Committee *vide* third report presented on 2 December, 1981

- (5) If the Chairman is for any reason unable to act as the Chairman of the Committee, *the Deputy Chairman shall act as the Chairman of the Committee in his place.*
- (6) If the Chairman *or the Deputy Chairman, as the case may be*, is for any reason unable to preside over any meeting, the Committee shall choose *any other member* to act as the Chairman of the Committee for that meeting.

219. Presentation of the report. – The report of the Committee containing its recommendations shall be presented to the Council *by the Deputy Chairman or, in his absence*, by any member of the Committee.

220 (1) As soon as may be after the report has been presented, a motion may be moved *by the Deputy Chairman or, in his absence*, by a member of the Committee designated by the Chairman that the report of the Committee be taken into consideration.

220 (3) After the motion for consideration of the report has been carried, *the Deputy Chairman, or, in his absence*, 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.

9.11 Committee of Privileges: (i) Like certain other House Committees, the Committee of Privileges also existed when the rules were first notified. Rule 191 regarding reference of a question of privilege to the Committee of Privilege was originally as follows:

“If leave under rule 190 (now rule 191) is granted, the question shall be referred to a Committee of Privileges on a Motion made by the Leader of the Council or any other member to whom he may delegate his function under this rule.”

The Committee to recommend draft rules of procedure constituted under article 118 (1) of the Constitution *substituted* the old rule with the following:

“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 Council or in his absence, or by and other member.”

The amended rule 191 became effective from 1 July 1994.

- (ii) The Committee also introduced a new rule (rule 189) regarding Conditions of admissibility of question of privilege as follows:

189. Conditions of admissibility

The right to raise a question of privilege shall be governed by the following conditions, namely:

- i) the question shall be restricted to a specific matter of recent occurrence;**
- ii) the matter requires the intervention of the Council.**

The new rule was made effective from 1 July 1964.

- (iii) A minor amendment in rule 191 was effected in 1981 when Committee on Rules, in its third report presented on 2 December 1981 and adopted on 24 December 1981 recommended that *for* the words “on a motion made by the Leader of the Council or in his absence by any other member” the words “*on a motion made either by the member who has raised the question of privilege or by any other member*” be *substituted*. Rule 191 was amended, accordingly.

CHAPTER - 10

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEES

10.1 Background: The idea of introduction of Department-related Parliamentary Standing Committees or Subject Committees in the legislatures cropped up in 1978 when the matter was discussed at the Presiding Officers' Conference held at Bhubaneshwar where a Committee of Presiding Officers on "Committee System" was formed. The report of that Committee was considered and adopted at the Conference of Presiding Officers held at Lucknow in 1985.

10.2 Origin in Rajya Sabha: The General Purposes Committee (GPC) of Rajya Sabha first considered the subject on 17 August 1992 when the Committee suggested for the constitution of three such Committees, *viz.*, (i) Committee on Human Resource Development, (ii) Committee on Industry, and (iii) Committee on Labour. The Committee on Rules, at its meeting held on 18 August 1992 considered the suggestion of GPC and agreed to the same. The Committee in its fifth report presented on 19 August 1992 and adopted on 20 August 1992 observed that the objective of establishing the three Committee was to enlarge and qualitatively enhance the association of Members of Parliament with key sectors of national construction, so as to maximize utilization of the rich experience and expertise of members from the Houses in this respect. The Committee, accordingly, recommended new rules 212 X - 212 ZC (for Committee on HRD), 212 E - 212 ZK (for Committee on Industry) and 212 ZL - 212 ZR (for Committee on Labour). The Committee, under the relevant rule for the above Committees, recommended for 22 members as their strength of membership, 8 members from the Rajya Sabha and 14 members from the Lok Sabha. There were no separate provisions in the rules for procedure relating to Bills and procedure relating to Demands for Grants. The provision relating to functions of these Committees was quite exhaustive. For example, the Committee recommended under rule 212 X (2), the following functions of the Committee on Human Resource Development:-

212X(2) The functions of the Committee shall be -

- (a) to examine such of the activities of the Ministry of Human Resource Development and allied Departments as may deem fit to the Committee;

- (b) to examine Annual Reports of the Ministry of Human Resource Development and allied Departments with a view to ascertaining the usefulness of expenditure incurred;
- (c) to report what efficacious economies, organization improvement, or administrative reform consistent with the policy approved by Parliament, may be effected:
- (d) to examine such of the plan projects/activities of the Ministry of Human Resource Development and allied Departments as may seem fit to the Committee or are specially referred to it by the Council or the Chairman; and
- (e) to evaluate various programmes -
 - (i) under the National Policy on Education;
 - (ii) for the preservation, promotion and enrichment of the cultural traditions of the country;
 - (iii) for the promotion, preservation and development of various forms of Arts, fundamental research on arts and crafts;
 - (iv) for the promotion and development of sports activities and projects;

and suggest measures for the integrated and all-round development of human resource within a view to enhancing and enriching its contribution to the progress and growth of the country.

10.3 Further Developments: On February 23 1993 the General Purpose Committee (GPC) and the Committee on Rules considered the whole matter afresh. The matter was also discussed at a joint sitting of the Rules Committees of both Houses on 11 March 1993. As a result of these discussions, broad consensus was arrived at that Standing Committees be set up related to various Ministries/Departments of the Union Government. These Committees were to replace the existing three Committees *viz.*, Human Resource Development, Industry and Labour in the Rajya Sabha and Agriculture, Science & Technology, Environment & Forests in Lok Sabha. The Committee, accordingly, in its Sixth report presented on 24 March 1993 recommended in supersession of its fifth report, creation of Department-related Parliamentary Standing Committees by proposing new rules 268 - 277 under a new Chapter XXII. The Third Schedule to the rules was also added with reference to rule 268 (2) according to which each of the Committee shall be related to the

Ministries/Departments as specified in the Schedule. According to rule 269 (2), the Chairman of each of the Committees mentioned in Part I of the Third Schedule, shall be appointed by the Chairman of Rajya Sabha from amongst members of respective Committees and Chairman of each of the Committees mentioned in Part II of the Third Schedule shall be appointed by the Speaker, Lok Sabha. The strength of membership of each Committee was recommended, under rule 269 (1), to be 45. 30 members from Lok Sabha and 15 from Rajya Sabha. A proviso to rule 269 (1) was inserted to the effect that a member appointed as a Minister shall not be nominated as, or continue as, a member of any such Committee. Among the functions of the Committees, the consideration and report on Bills pertaining to the related Ministry/Department referred to the Committee by the Chairman/Speaker, as the case may be, and consideration of and report on Demands for Grants (without anything of the nature of Cut Motions) of related Ministries/Departments were, *inter alia*, included under the proposed rule 270. Procedures relating to consideration of Bills and Demands for Grants to be adopted by each Committee was also explained under the proposed rules 272 and 273 respectively. It was also provided under the proposed rule 277 that the report of a Standing Committee shall have persuasive value and shall be treated as considered advice given by the Committee. A provision was made under rule 275 to the effect that in other respects, rules relating to Select Committee on Bills shall apply *mutatis mutandis* to the Standing Committees specified in Part I of the Third Schedule and General Rules applicable to other Parliamentary Committees in Lok Sabha shall apply to the Committees mentioned in Part II of the Third Schedule. The House considered the sixth report of the Committee on Rules recommending addition of the above rules 268-277 and Third Schedule to the rules on 29 March 1993 and adopted the same. The new rules, as adopted by the House were made effective from 29 March 1993.

10.4 Restructuring of the Department-related Standing Committees:

The Committee on Rules, in its Tenth report presented on 20 July 2004 and adopted on the same day, considered the question of restructuring of the Department-related Parliamentary Standing Committees. The Committee observed that some of these Committees with their existing remit were overburdened as they had to deal with a large number of Ministries/Departments coming under their jurisdiction. This often delayed presentation of reports to the House. The Committee also noted the tendency of appointing sub-committee by these Committees to look into specific areas when there was heavy rush of work as well as paucity of time put secretarial resources under strain. In this backdrop, the Committee observed that the distribution of

work among these Committees should be rationalized so that they could function more efficiently and may adopt a more focussed approach leading to greater specialization of subjects dealt with by them.

The Committee, therefore, recommended amendment in the Third Schedule, adding two new Committees in Part I and five new Committees in Part II of the Third Schedule. A new Committee on Health & Family Welfare was created by carving out the Ministry/Department from the Committee on Human Resource Development. Another new Committee, Committee on Personnel, Public Grievances and Pensions, Law and Justice was created by carving out Ministries from the Committee on Home Affairs. These two new Committees were added in Part I of the Third Schedule. In Part II of the Third Schedule, similarly, Committee on Water Resources, Committee on Chemicals & Fertilizers, Committee on Rural Development, Committee on Coal & Steel and Committee on Social Justice & Empowerment were added as new Committees. The Department of Atomic Energy, earlier placed under the jurisdiction of Committee on Energy was now placed under the Committee on Science & Technology, Environment and Forests in Part I. Ministry of Steel was taken from the Committee on Industry in Part I and placed under the new Committee on Coal and Steel in Part II of the Third Schedule. Due to creation of seven new Committees, strength of membership in them was also adjusted. The Committee, therefore, recommended amendment in rule 269 (1), reducing the total membership from 45 to 31, out of which 21 members would be from Lok Sabha and 10 members from the Rajya Sabha. Due to adoption of the Tenth report of the Committee by the House on 20 July 2004, the Third Schedule and rule 269 (1) of the Rules of Procedure and Conduct of Business in the Rajya Sabha stood amended. The amendments were made effective from 20 July 2004.

CHAPTER - 11

INTIMATION TO CHAIRMAN ABOUT ARREST, DETENTION, ETC., AND RELEASE OF A MEMBER

The Committee, in its third report presented 2 December, 1981 and adopted on 24 December 1981 observed that rules should be formulated providing for giving to the Chairman intimation about the arrest, detention, release, *etc.*, of a member. The Committee, therefore, recommended incorporation of new rules 222 A- 222 C under a new chapter XXA for the purpose and addition of second schedule to the rules providing therein the format of intimation regarding arrest, detention, conviction or release, as the case may be, of a member. The new rules came into force w.e.f. 15 January 1982.

CHAPTER - 12

RAISING MATTERS OF PUBLIC IMPORTANCE

12.1 Short Duration Discussion: The procedure for raising a discussion on a matter of urgent public importance under Short Duration Discussion came into being on the recommendations of the Committee constituted to recommend draft rules of procedure under article 118(1) of the Constitution. The new set of rules, as recommended by the Committee, were made effective from 1 July 1964 and included provision for raising a discussion on matters of urgent public importance through Short Duration Discussion under rules 176-179. The new rules were made effective from 1 July 1964.

12.2 Calling Attention: (i) The procedure for Calling Attention came into being on the recommendation of the Committee constituted to recommend draft rules of Procedure under article 118 (1) of the Constitution. The new set of rules, as recommended by the Committee, were made effective from 1 July 1964 and included provision for raising a matter of urgent public importance through Calling Attention under rule 180.

- (ii) Prior to 1972, the Calling Attention was taken up immediately after the questions and the Ministers had to wait for uncertain time, till the Calling Attention was over, to lay the Papers on the Table. The Rule 180 (5), as existed until then, read as follows:

‘180 (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.

The Committee, in its first report presented on 10 April 1972 and adopted on 1 June 1972 observed that the formal business of laying of papers on the Table should be taken up immediately after the ‘Questions’ and only after the papers were so laid, should the Calling Attention Notice be taken up. The Committee felt that this would enable the Ministers to attend to their official duties after laying the papers instead of waiting in the House till the Calling Attention was over. The Committee, therefore, recommended following amendment in sub-rule (5) of rule 180

‘180 (5) The proposed matter shall be raised after the questions *and the laying of papers, if any, on the Table* and before *any other items in*

the list of business is *taken up* and at no other time during the sitting of the Council.’

Rule 180 (5) was amended accordingly and made effective from 1 July 1972.

- (iii) The Committee, in its second report presented on 22 May 1979 and adopted on 24 December 1981 recommended a proviso to sub rule (1) thereby restricting the number of Notices of Calling Attention for a particular day by a member to **two notices**.

12.3 Special Mention: There was no specific provision in the Rules of Procedure and Conduct of Business in the Rajya Sabha in regard to mentioning of matters of public importance. However, the procedure in regard to mentioning these matters was first introduced under the directions of the Chairman way back on 11 November, 1974, when the Rajya Sabha commenced its 90th Session. The Committee on Rules, in its eighth report presented on 12 May 2000 and adopted on 15 May 2000, considered, *inter alia*, the question of incorporation of rules governing admissibility, *etc.*, of notices of Special Mention, into the corpus of Rules of Procedure and Conduct of Business in the Rajya Sabha. In order to ensure smooth functioning of the House, the Committee recommended new rules 180 A - 180 E for mentioning matters of public importance through Special Mentions. The new rules, as recommended by the Committee and adopted by the House, were made effective from 1 July 2000.

CHAPTER - 13

MOTIONS ON MATTERS OF PUBLIC INTEREST

13.1 Admissibility of Motions: (i) The Committee, in its eighth report presented on 12 May 2000 as adopted on 15 May 2000 felt that owing to the fact that a large number of notices of Motions on various issues were received from members, the concerned rules should be made more exhaustive so as to clearly define the scope of their examination to enable the Chairman to decide their admissibility. The Committee, therefore, recommended for adding the following new clauses (ix) to (xviii) in rule 169-

Rule 169

In order that a motion may be admissible, it should satisfy the following conditions, namely:-

- (ix) if it contains a statement the member shall make himself responsible for the accuracy of the statement;**
- (x) it shall not seek discussion on a paper or document laid on the Table by a private member;**
- (xi) it shall not ordinarily relate to matters which are under consideration of Parliamentary Committee;**
- (xii) it shall not ask for expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;**
- (xiii) it shall not relate to a matter which is not primarily the concern of the Government of India;**
- (xiv) it shall not raise matter under the control of bodies or persons not primarily responsible to the Government of India;**
- (xv) it shall not relate to a matter with which a Minister is not officially concerned;**
- (xvi) it shall not refer discourteously to a friendly foreign country;**

(xvii) **it shall not related to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and**

(xviii) **it shall not relate to a trivial matter.**

(ii) The earlier format of notice to be submitted under rule 168 was as follows:-

“Sir,

Under Rule 168 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I hereby give notice to my intention to move the following motion during the current/ensuing session of the Rajya Sabha”.

The Committee recommended that the above format of notice be replaced with the following:-

“Sir,

Under Rules 168 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I hereby give notice to my intention to move the following motion on an issue of general public interest during the current/ensuing session of the Rajya Sabha”.

The amended rule 169 and the format of notice under rule 168 was made effective from 1 July 2000.

13.2 Motion for Papers: Prior to the rules relating to Calling Attention and Short Duration Discussion came into being on 1 July 1964, the only device available to members to draw the attention of the Government on an urgent matter of public importance was by means of a motion for papers which was then provided in old rule 156 (subsequently re-numbered rule 175). The rule provided as follows -

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.

- (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.

There was, however, not a single occasion when a motion “for papers” was formally admitted and discussed in the House as the Chairman, instead of admitting a motion “for papers” as such, would permit a member just to raise a discussion without any formal motion or admit such discussion in some other form as a motion on a matter of public interest or by way of a ministerial statement, etc.

In the light of the above facts and the fact that the advent of devices like Calling Attention and Short Duration Discussion had apparently abolished the need for a device like “Motion for Papers”, the House, while considering the second and third reports of the Committee on Rules on 24 December 1981 recommended, *inter alia*, that the rule 175 and the sub-headings thereto be **deleted**. A notification to this effect was accordingly issued on 15 January 1982.

CHAPTER - 14

RESIGNATION OF SEATS AND LEAVE OF ABSENCE

14.1 Resignation of Seats: Prior to 1979, the rule 213 relating to the resignation of seats in Council was as follows:-

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 and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus cause.

In 1979, the rule 213 relating to the resignation of seats in Council was substituted with a new rule. The amendment was recommended by the Committee *vide* its second report presented on 22 May 1979 and adopted on 24 December 1981 so as to conform to the provisions of article 101 (3) of the Constitution of India, as amended by the Constitution (Thirty-third) Amendment Act, 1974. Unlike the earlier rule, provisions were made in the new rule to enable the Chairman to satisfy himself, and to make a summary enquiry, if the letter of resignation by a member has been received by post or through some other person, either himself or through the agency of Rajya Sabha Secretariat, to the effect that the resignation given by a member is voluntary and genuine. A provision was also made in sub-rule (4) of rule 213 to the effect that a member may withdraw his letter of resignation any time before it is accepted by the Chairman. The amended rule runs as follows:-

“213.(1) A member who intends to resign his seat in the Council shall intimate in writing under his hand addressed to the Chairman, his intention to resign his seat in the Council.

- (2) If a member hands over the letter of resignation to the Chairman personally and informs him that the resignation is voluntary and genuine and the Chairman has no information or knowledge to the contrary, the Chairman may accept the resignation immediately.
- (3) If the Chairman receives the letter of resignation either by post or through some other person, the Chairman may make such inquiry as he things fit, to satisfy himself that the resignation is voluntary and genuine. If the Chairman, after making a summary enquiry either himself or through the agency of the Rajya Sabha Secretariat or through such other agency as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation.
- (4) A member may withdraw his letter of resignation at any time before it is accepted by the Chairman.
- (5) The Chairman shall, as soon as may be, after he has accepted the resignation of a member, inform the Council that the member has resigned his seat in the Council and he has accepted the resignation.

Explanation.- When the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles.

- (6) The Secretary-General shall, as soon as may be, after the Chairman has accepted the resignation of a Member, cause the information to be published in the Bulletin and the Gazette and forward 'a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused:

Provided that where the resignation is to take effect from a future date, the information shall be published in the Bulletin and the Gazette not earlier than the date from which it is to take effect.

14.2 Leave of Absence: The Committee, on 20 August 2001 had considered, *inter alia*, a suggestion regarding amendment in rule 214 (2) relating to Leave of Absence from meetings of the Council. The wordings in the rule 214 (2) are, "is it the pleasure of the Council that permission be granted to such and such a Member from remaining absent.....", whereas by convention, the announcement being made by the Chairman in the House goes like "Does he/she have the permission of the Council.....". The suggestions was that the

rule 214 (2) should be amended in its wordings so as to conform to the convention prevailing in the House in this regard. The Committee, however, felt that in view of the established convention relating to Leave of Absence from meetings of the Council, there was no need to amend the relevant rule.

CHAPTER - 15

GENERAL RULES OF PROCEDURE

15.1 Allegations Against Members: Prior to 1979 there was no provision in the rules relating to the procedure regarding raising of matters involving allegations against any other Member either of Rajya Sabha or of the Lok Sabha. The Committee, in its second report presented to the House on 22 May 1979 proposed a new rule 238 A for the purpose as follows: -

“238A. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the Council or that no public interest is served by making such allegation.”

The House, while considering the second report on 24 December 1981, however, adopted the above rule in a modified form as follows:-

238A. No allegation of a defamatory or incriminatory nature shall be made by a member against **any other member or a member of the House** unless the member making the allegation has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply.

Provided that the Chairman may at any time prohibit any member from making such allegation if he is of opinion that such allegation is derogatory to the dignity of the Council or that no public interest is served by making such allegation.

15.2 Personal Explanation: In the rules, the provision for personal explanation by a member was there since their inception (under rule 241).

The Committee in its eleventh report presented on 8 December 2006 and adopted on 12 December 2006 observed that apart from a member, the Ministers who are members of the other House also, sometimes, are permitted by the Chairman to make personal explanation in the Rajya Sabha. The Committee, therefore, recommended amendment in rule 241, so as to make it applicable to a Minister also, in accordance with the established practice. The rule was, accordingly, amended as follows -

241. Personal Explanation

A member *or a Minister* 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.”

15.3 Division: The rules pertaining to ‘Division’ for obtaining decision of the Council on a question were already provided under the Rules of Procedure and Conduct of Business in the Council of States since the inception of rules in 1952, and remained unchanged till December 2006. The Committee, in its eleventh report presented on 8 December 2006 and adopted on 12 December 2006 considered, *inter alia*, the question of increasing the duration of ringing of the division bells which was **two minutes**, as provided under sub-rule (4) of rule 252. The Committee observed that the division bells installed at various places in Parliament House Complex are rung in order to enable the members to come immediately in the Rajya Sabha Chamber from different places in Parliament House Complex for the purpose of voting. The Committee noted the difficulty expressed by the members in reaching the Rajya Sabha Chamber within two minutes to participate in Division. In view of this, the Committee felt the necessity of increasing the time of duration of ringing the division bells from two minutes to **three minutes and thirty seconds**. The sub-rule (4) of rule 252 was amended accordingly. The amended rule became effective from 12 December 2006.

15.4 Suspension of Rules: The provision for moving a motion by members for suspension of any rule was prescribed in Rules of Procedure and Conduct of Business in the Council of States at the time of inception of the Rules on 16 May 1952. The rule 267, as existed then, read as follows:-

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.

The Committee, in its eighth report presented on 12 May 2000 and adopted on 15 May 2000 considered, *inter alia*, the question of amendment of rule pertaining to suspension of rules. The Committee observed that the rule 267 had been invoked in the past more often to dispense with the Question Hour (Rule 38) than for any other business, notwithstanding that under rule 38, the Chairman is empowered to change the time for asking and answering the questions to an hour other than the first hour. The Committee further observed that the experience of the past had been that on several occasions, the notice under rule 267 was given to seek discussion either on a matter not listed in the agenda for a particular day or on a subject that had not yet been admitted. The Committee, therefore suggested an amendment in rule 267 to ensure that suspension of rule 267 is relevant to the List of Business of the day before the House. The Committee proposed that the rule 267 existing hitherto be *substituted* with the following -

“Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a motion *related to the business listed before the Council of that day* and if the motion is carried, the rule in question shall be suspended for the time being:

Provided further that this rule shall not apply where specific provision already exists for suspension of a rule under a particular chapter of the Rules.

The rule 267 was amended accordingly and made effective from 1 July, 2000.

15.5 Lapse of Pending Notices on Prorogation of Council: In order to save resolutions, motions and amendments which are under discussion in a session from lapsing on account of prorogation of the House, the Committee, in its third report presented to the House on 2 December 1981 had recommended insertion of a new rule 225A, as follows -

225A (New Rule)

Motion, resolution or amendment moved not to lapse - A motion, resolution or an amendment which has been moved and is pending in

the Council, shall not lapse by reason only of the prorogation of the Council.

The House, while considering the third report of the Committee on 24 December 1981, however, **did not** agree to the insertion of a new rule 225A, as recommended by the Committee.

CHAPTER - 16

RECOMMENDATIONS/OBSERVATIONS NOT RELATED WITH AMENDMENT OF THE RULES

No-Day-Yet-Named Motions

At least one admitted No-day-yet-named Motion should be discussed in the House every week and the Business Advisory Committee should allot time for the purpose.

[3rd Report presented on 2 December, 1981, Minutes, dated 7 February, 1984]

Arrangement Of Business

All the miscellaneous business such as Calling Attention, Special Mentions, etc., should be completed before the House adjourns for lunch recess.

[3rd Report presented on 2 December, 1981]

Calling Attention

- (i) Number of Members who may be allowed to seek clarifications on a Calling Attention should not exceed five. The names shall be determined by draw of lots of the names of all Members who have given notices. Only those Members whose names appear in the List of Business should be allowed to seek clarifications.
- (ii) A Member who initiates a Calling Attention should not take more than seven minutes and other members should not take more than five minutes each.

[Minutes of the meeting dated 07.12.1982]

- (iii) Only seeking of clarifications be allowed and time limit of one hour be strictly adhered to in respect of Calling Attention.

[9^h Report presented on 20.07.2004]

Private Members' Bills

Specific time should be allotted by the Business Advisory Committee for consideration of each Private Members' Bill in pursuance of rule 33 of the

Rajya Sabha Rules. The Committee felt that if this was done regularly in all cases, more private members' Bills could come up for consideration of the House.

[Minutes dated 27.01.1983]

Half-an-Hour Discussion

Three Half-an-Hour Discussions should be admitted during a week, subject, however, to notices from members therefore being received and fulfilling other conditions of admissibility thereof. Not more than four Members (in addition to the Member who is to raise the discussion) who had previously intimated to the Secretary-General in writing before the commencement of the sitting at which the discussion was to take place, should be permitted to ask questions and if the number of members making such a request exceeded four, than a ballot be held after the time fixed for submitting the names was over.

[Minutes dated 07.02.1984]

Special Mentions/ Zero Hour Submissions

- (i) As in case of Government Assurances, the Minister of Parliamentary Affairs should lay, during each Session, a statement on the Table of the House indicating the action taken by Government on Special Mentions made by Members in the House.

[Minutes dated 29.05.1984]

- (ii) A Member may make only one Special Mention/Zero Hour Submission during a week.

[Minutes dated 14.02.1995]

- (iii) The total number of Submissions during the Zero Hour may not normally exceed seven per day and in no case more than ten, and a Member should not take more than three minutes in making the Submission.

[Minutes dated 14.02.1995]

- (iv) Zero Hour Submissions should be completed by 12:30 p.m. and Special Mentions by 1:00 p.m. When the House reassembles after lunch, the List of Business only should be taken up.

[7th Report presented on 14.02.1995]

- (v) Zero Hour Submissions and Special Mentions may not exceed beyond half an hour each.

[Minutes dated 14.02.1995]

- (vi) Special Mentions should be taken up at 12:30 p.m. or earlier, if submissions made after the Question Hour are over before that time but in any case be completed by the time the House adjourns for lunch recess.

[Minutes dated 18.08.1992]

- (vii) The Committee did not agree to the suggestion of a member that Special Mentions should be taken up in the evening and instead, felt that the existing procedure was working well and the same should continue.

[Minutes dated 23.08.1989]

§Notices received on Fax

Notices/ Communications received on Fax should be treated as authentic notices/ communications provided these are signed and followed by a written notice.

[7th Report presented on 14.02.1995]

Joint Parliamentary Committee on Empowerment of Women

The Committee considered the proposal of the Rules Committee of Lok Sabha regarding the constitution of a Joint Parliamentary Committee on Empowerment of Women and concurred with the same.

[Minutes dated 25.02.1997]

Disagreement between a Committee and the Central Government on the fulfillment of a particular Assurance/undertaking

On a suggestion of the Committee on Government Assurances for inclusion of a specific provision in the Rules for resolving this issue, the Committee was of the view that in such cases, the concerned Committee may report the matter to the House and the question may thereafter be left to the discretion of the House.

[Minutes dated 23.08.1989]

§ The House while Considering the 7th report on 30 May 1995 did not approve this recommendation.

APPENDIX

**Committee Constituted By The Chairman, Rajya Sabha
To Suggest Modifications/Amendments In The Rules Of
Procedure Of The Council Of States Under Clause (2)
Of Article 118 Of The Constitution**

(Constituted on 22 May 1952)

1. Shri Alladi Krishnaswami - Chairman
2. Shri Lal Bahadur Shastri
3. Shri S.V. Krishna Moorthy Rao
4. Syed Nausher Ali
5. Shri Braj Kishore Prasad Sinha
6. Begum Aizaz Rasool
7. Shrimati Lakshmi N. Menon
8. Shri K.S. Hedge
9. Shri Amolakh Chand
10. Shri P. Sundarayya
11. Shri C.G.K. Reddy
12. Pandit H.N. Kunzru
13. Prof. N.G. Ranga
14. Shri P. Venkatanarayana

Appendix-II

**Committee Constituted To Recommend Draft Rules Of
Procedure Under Clause (1) Of Article 118 Of The Constitution**

(Constituted on 7 September 1962)

1. Shrimati Violet Alva - Chairman
2. Shri M.P. Bhargava
3. Shri Vimalkumar N. Choradia
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

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