

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

SEVENTH EDITION



RAJYA SABHA SECRETARIAT
NEW DELHI
JULY, 2010

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P R E F A C E

Article 118(1) of the Constitution empowers each House of Parliament to make rules for regulating its Procedure and the Conduct of its business. Under this provision of the Constitution, Rajya Sabha adopted rules for regulating its procedure and the conduct of its business on June 2, 1964. The rules were brought into force with effect from July 1, 1964.

2. In July 1972, the rules were amended on the recommendations of the Committee on Rules contained in its First Report presented to the House on April 10, 1972. The amendments *inter alia* related to the enlargement of the functions of the Committee on Subordinate Legislation so as to empower it to scrutinize rules and regulations framed under the provisions of the Constitution or Acts of Parliament. A new Committee on Government Assurances was also provided in the rules.

3. The Committee on Rules in its Second Report presented to the Rajya Sabha on May 2, 1979, recommended further amendments in the rules. Some of the amendments recommended were to incorporate the existing practice in regard to the Private Members' Resolutions, asking of Short Notice Questions and procedure regarding resignation of seats in the Rajya Sabha by Members. The Committee also recommended that the Rajya Sabha should have a Committee on 'Papers Laid on the Table' and Members should be required to give prior intimation to the Chairman and the Minister concerned before they made allegations on the floor of the House.

4. The Committee in its Third Report presented to the Rajya Sabha on December 2, 1981, recommended further amendments in the rules. The important among them were that the Deputy Chairman should be made a member of the Business Advisory Committee and the Rules Committee; Private Members' Business should be transacted on any other day in the week if there is no sitting on a Friday; the Business Advisory Committee should allot time for Private Members' Business also as it did in the case of Government Business; a Private Members' resolution may be in a form other than a declaration of opinion by the Council; a motion for reference of a question of privilege may be moved by the Member raising the question or any other Member instead of the Leader of the Council as was the case earlier. The Committee also suggested a set of rules requiring authorities to give intimation to the Chairman, Rajya Sabha, about the arrest, detention, release, etc., of its Members.

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5. The Second and the Third Reports referred to above were agreed to by the Rajya Sabha at its sitting held on December 24, 1981. While doing so, the House also modified certain recommendations of the Committee and made further amendments in the rules. The amendments as finally agreed to by the House were brought into force by the Chairman on January 15, 1982.

6. The Committee in its Fourth Report presented to the Rajya Sabha on March 19, 1986, and adopted on May 14, 1986, recommended amendment in sub-rule (3) of rule 25 so that instead of Bills being balloted, the names of Members 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 also provided that no Member shall be able to take up more than one Bill for consideration in the same session. Suitable amendment in sub-rule (2) of rule 28 was also recommended by the Committee since it felt that it was not necessary for a Bill, on which the debate had adjourned *sine die*, to undergo the process of ballot and instead, such a Bill should have precedence over other Bills. The amendment recommended in respect of sub-rule (4) of rule 29 was of a consequential nature. The Committee also recommended incorporation in the Rules of Procedure of a new chapter, *viz.*, Chapter XVII C containing new rules 212P to 212W relating to the House Committee which had been in existence since the very inception of the Rajya Sabha and had not been provided for in the main corpus of the rules. The amendments were brought into force by the Chairman on July 1, 1986.

7. In its Fifth Report presented to the House on August 19, 1992 and adopted on August 20, 1992, the Committee on Rules recommended the setting up of three Parliamentary Committees in Rajya Sabha, namely, (i) on Human Resource Development (ii) on Industry and (iii) on Labour with the object of enlarging and qualitatively enhancing the association of the Members of Parliament with key sectors of national reconstruction so as to maximise utilisation of the rich experience and expertise of Members from both Houses in this respect. However, before this recommendation of the Committee could be given effect, the General Purposes Committee and the Committee on Rules together considered the whole matter of the institution of a Department-related Standing Committees System *de novo* on February 23, 1993. The matter was further discussed at a joint sitting of the Committees on Rules of both Lok Sabha and Rajya Sabha on March 11, 1993. As a result of these discussions, a

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broad consensus was arrived at that Standing Committees be set up related to various Ministries/Departments of the Union Government. Pursuant to that, the Committee in its Sixth Report presented to the House on March 24, 1993 recommended the formation of 17 Department-related Parliamentary Standing Committees consisting of Members from both the Houses in the proportion of 1:2 for the Rajya Sabha and the Lok Sabha, respectively and also recommended addition of new rules 268 to 277 and the Third Schedule to the Rules of Procedure for the purpose. The Report of the Committee was adopted by the House on March 29, 1993 with some amendments and the new rules came into effect the same day.

8. In its Seventh Report presented to the House on February 14, 1995 the Committee recommended amendments (i) in rule 39 for increasing the notice period for question from 10 clear days to 15 clear days (ii) in sub-rule 2(i) and 2(vii) of rule 47 to make the question pointed, specific and confined to one issue only and for reducing the limit of 150 words for a question and (iii) in sub-rule (6) and (7) of rule 90 specifying the language to be used in a Minute of Dissent to a Report of the Select Committee on Bill and empowering the Chairman of the Committee also to expunge words, phrases or expressions which are not in conformity with the revised sub-rule (6), respectively. The Committee also recommended the incorporation of a new rule (51 A) for putting a limit on number of questions for oral and written answer on a day. The Report of the Committee was adopted on May 30, 1995 with some amendments. The amendments as finally agreed to by the House were brought into force by the Chairman on June 15, 1995.

9. In its Eighth Report presented to the House on May 12, 2000 and adopted on May 15, 2000, the Committee recommended (i) incorporation of Special Mention in the corpus of Rules of Procedure and Conduct of Business and suggested new rules 180(A) to 180(E) for the purpose; (ii) amendment in the format of the notice under rule 168 to make it more specific; (iii) addition of new sub clauses (ix)-(xviii) in rule 169 with a view to strengthening the criteria for examination/admission of the notices of motion given under rule 168; (iv) amendment in rule 267 relating to motion for suspension of rule to ensure that suspension of rule 267 is relevant to the List of Business for the day before the House; and (v) incorporation of General Purposes Committee in the corpus of Rules of Procedure and Conduct of Business in the Rajya Sabha and suggested

new rules 278-285 for the governance of General Purposes Committee. The amended rules came into effect from July 1, 2000.

10. In its Ninth Report, presented to the House on July 20, 2004 the Committee recommended incorporation of the rules relating to the Committee on Ethics in the corpus of the Rules of Procedure and Conduct of Business. A new Chapter, *viz.*, Chapter XXIV containing new rules 286-303 on the Committee on Ethics was accordingly added for the purpose. Besides, the Committee also recommended amendment in rule 212(Q) (1) for increasing the strength of the House Committee from seven Members to ten Members.

11. In its Tenth Report presented to the Rajya Sabha on July 20, 2004, the Committee considered the question of restructuring of the Department-related Parliamentary Standing Committees and suggested for the creation of seven new Committees, namely, (i) Health and Family Welfare (ii) Personnel, Public Grievances and Law and Justice (iii) Water Resources (iv) Chemicals and Fertilizers (v) Rural Development (vi) Coal and Steel, and (vii) Social Justice and Empowerment. Out of these seven Committees, two Committees, *viz.*, Health and Family Welfare and Personnel and Public Grievances and Law and Justice were recommended to be placed in Part-I of the Third Schedule to the Rules of Procedure. The Committee also suggested for reducing the maximum strength of membership of these Committees from 45 to 31 members, out of which ten members would be from the Rajya Sabha and 21 from the Lok Sabha. The Committee, accordingly, recommended amendments in rule 269(1) and the Third Schedule to the Rules of Procedure. The Ninth and Tenth Reports referred to above were adopted by the House on July 20, 2004. The amendments in the rules were brought into force by the Chairman the same day.

12. In its Eleventh Report, presented to the Rajya Sabha on December 8, 2006 the Committee made two recommendations namely: (i) amending rule 241 enabling the Minister to make a personal explanation in the House, thus bringing him at par with the Members; and (ii) amending clause (b) of sub-rule (4) of rule 252 thereby increasing the time of the ringing of division bells from the existing two minutes to three minutes and thirty seconds. The Report was adopted by Rajya Sabha on December 12, 2006 and the amendments were brought into effect on the same day by the Chairman.

13. The Twelfth Report of the Committee on Rules was presented to the House on December 14, 2010. It was observed, on many occasions during the Question Hour, that the House did not get comprehensive information from Government on an issue of sufficient public importance sought by the Members through the question because the Member, in whose name the question was listed, happened to be absent or did not put the question. In order to take up the question even if the Member in whose name it appears in the starred list does not put it, or happens to be absent, the Committee recommended substitution of rule 54 (3) with a new rule. According to new rule if the member in whose name a question is listed is absent or does not put the question, the Chairman shall direct that the answer to it be given. Besides, the Committee also considered the issue related to the number of questions that could appear in a Member's name in the Starred List. Under the earlier system, a Member's name could appear in the Starred List up to a maximum of three times - once as a first questioner, and twice by way of clubbing. In order that more Members could be given opportunity to ask question, the Committee recommended substitution of rule 43 with a new rule. As per new rule 43 each question in the starred list would be in the name of a single Member by virtue of his position in the ballot. As a consequence of these amendments, the Committee also recommended deletion of rule 55. The new rules were made effective from the February 22, 2010.

14. The present edition of the Rules of Procedure and Conduct of Business incorporates all the amendments made in the Rules of Procedure and Conduct of Business in the Council of States so far. Besides, it contains 'The Houses of Parliament (Joint Sittings and Communications) Rules' made by the President, after consultation with the Chairman of the Council of States and Speaker of the House of the People, in exercise of the powers conferred by clause (3) of article 118 of the Constitution of India, at **Appendix I**; 'The Members of Rajya Sabha (Disqualification on Ground of Defection) Rules, 1985' made by the Chairman, Rajya Sabha in terms of paragraph eight of the Tenth Schedule to the Constitution which came into force with effect from the 18th March, 1986, at **Appendix II**; and 'The Members of Rajya Sabha (Declaration of Assets & Liabilities) Rules, 2004, made by the Chairman, Rajya Sabha in exercise of the power conferred by sub-sec (3) of section 75 A of Representation of Peoples Act, 1951 which came into force with effect from August 5, 2004 at **Appendix III**.

15. A compilation of the Directions by the Chairman, Rajya Sabha has also been appended at the end of this edition.

V. K. Agnihotri
Secretary-General
Rajya Sabha

NEW DELHI,
July, 2010

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CHAPTER I

SHORT TITLE AND DEFINITIONS

1. Short title and commencement

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

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

2. Definitions

(1) In these rules, unless the context otherwise requires :-

“**Bulletin**” means the Bulletin of the Council of States (Rajya Sabha) containing (a) a brief record of the proceedings of the Council at each of its sittings; (b) information on any matter relating to or connected with the business of the Council or other matter which in the opinion of the Chairman may be included therein and (c) information regarding Committees of the Council or Joint Committees of the two Houses;

“**Chairman**” means the Chairman of the Council of States (Rajya Sabha);

“**Constitution**” means the Constitution of India;

“**Council**” means the Council of States (Rajya Sabha);

“**Finance Minister**” includes any Minister;

“**Gazette**” means the Gazette of India;

“**House**” means the House of the People (Lok Sabha);

“**Houses**” means the Council of States (Rajya Sabha) and the House of the People (Lok Sabha);

¹[**“Leader of the Council”** means the Prime Minister, if he is a member of the Council, or a Minister who is a member of the Council and is nominated by the Prime Minister to function as the Leader of the Council];

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

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

“Member In charge of the Bill” means in the case of a Government Bill any Minister and in any other case the Member who has introduced the Bill;

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

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

“Private member” means a member other than a Minister;

“Secretary-General” means the Secretary-General to the Council and includes any person for the time being performing the duties of the Secretary-General;

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

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

¹ Ins. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER II

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

3. Summons to members

(1) The Secretary-General shall issue a summons to each member specifying the date and place for a session of the Council.

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

4. Seating of members

The members shall sit in such order as the Chairman may determine.

5. Oath or affirmation

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

6. Roll of members

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

CHAPTER III

ELECTION OF DEPUTY CHAIRMAN AND PANEL OF VICE-CHAIRMEN

7. Election of Deputy Chairman

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

(2) At any time before noon on the day- preceding the date so fixed, any member may give notice in writing addressed to the Secretary-General of a motion that another member be chosen as the Deputy Chairman of the Council, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Chairman if elected:

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

(3) A member in whose name a motion stands in the list of business may, when called, move the motion or [not move the motion]¹, in which case he shall confine himself to a mere statement to that effect.

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

8. Panel of Vice-Chairmen

(1) The Chairman shall, from time to time, nominate from amongst the members of the Council a panel of not more than [six Vice-Chairmen]², any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Ins. by *ibid.*

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

9. Powers of Deputy Chairman etc. while presiding

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

CHAPTER IV

SITTINGS OF COUNCIL

10. Sitting of Council when duly constituted

A sitting of the Council is duly constituted when it is presided over by the Chairman or [a member]¹ competent to preside over a sitting of the Council under the Constitution or these rules.

11. Commencement of sitting

A sitting of the Council shall commence at such hour as the Chairman may direct.

12. Days of sittings

The Council shall sit on such days as the Chairman, having regard to the state of business of the Council, may from time to time direct.

13. Conclusion of sitting

A sitting of the Council shall conclude at such hour as the Chairman may direct.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER V

PRESIDENT'S ADDRESS AND MESSAGES TO COUNCIL

14. Allotment of time for discussion of President's Special Address

The Chairman, in consultation with the Leader of the Council, shall allot time for the discussion of the matters referred to in the President's Address to the Houses under clause (1) of article 87 of the Constitution.

15. Scope of discussion

On such day or days or part of any day, the Council shall be at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member.

16. Amendments

Amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Chairman.

17. Other business that may be taken up

(1) Notwithstanding that a day has been allotted for discussion on the President's Address,-

- (a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day; and
- (b) other business of a formal character may be transacted on such day before the Council commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

18. Government's right of reply

The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion.

19. Time limit for speeches

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

20. President's Address under article 86(1) of the Constitution

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

21. Messages by President

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

22. ¹[Omitted.]

¹ Omitted by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER VI

ARRANGEMENT OF BUSINESS

23. Arrangement of Government business

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

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

24. Allotment of time for private members' business

Unless the Chairman otherwise directs, [not less than two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business]¹:

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

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

[Provided further that if there is no sitting of the Council on a Friday, the Chairman may direct that not less than two and a half hours or, a sitting on any other day in the same week may be allotted for the transaction of private members' business]².

25. Precedence of private members' Bills

(1) The relative precedence of notices of Bills given by private members shall be determined by [draw of lot]³, to be held in accordance

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Ins. by *ibid.*

³ Subs. by *ibid.*

with the order made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the [draw of lot]¹ is held, as the Chairman may direct.

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

- (a) Bills in respect of which the motion is that leave be granted to introduce the Bill;
- (b) Bills returned by the President with a message under article 111 of the Constitution;
- (c) Bills which have been passed by the Council and returned by the House with amendments;
- (d) Bills which have been passed by the House and transmitted to the Council;
- (e) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (f) Bills in respect of which [a Report]² of a Joint or Select Committee has been presented;
- (g) Bills which have been circulated for the purpose of eliciting opinion thereon;
- (h) Bills introduced and in respect of which no further motion has been made or carried;
- (i) Other Bills.

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

⁴[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:

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ *ibid.*

⁴ Subs. by R.S. Bn. (II) dated 1.7.1986 para 29422.

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].

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

26. Precedence of private members' resolutions

[The relative precedence of notices of intention to move resolutions given by private members shall be determined by draw of lot, to be held in accordance with orders made by the Chairman, on such day as the Chairman may direct]¹.

27. Business outstanding at the end of day

Private members' business set down for the day allotted for that class of business and [not taken up]² on that day, shall not be set down for any subsequent day, unless it has gained priority in the [draw of lot]³ held with reference to that day:

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

28. Resumption of adjourned debate on private member's Bill or resolution

(1) When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private members' business in the same or next session, it shall not be set down for further discussion unless it has gained priority in the [draw of lot]⁴.

(2) When the debate on a private member's Bill or resolution is adjourned *sine die*, the member-in-charge of the Bill or the mover of the

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ Subs. by *ibid.*

⁴ Subs. by *ibid.*

resolution, as the case may be, may, if he wishes to proceed with such Bill or resolution on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate ¹[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].

29. List of business

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

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

(3) Save as otherwise provided by these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

²[(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 resolution 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].

BUSINESS ADVISORY COMMITTEE

30. Constitution

(1) The Chairman may, from time to time, nominate a Committee called the Business Advisory Committee consisting of eleven 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 a new Committee is nominated.

¹ Subs. by R.S. Bn. (II) dated 1.7.1986 para 29422.

² Subs. by *ibid.*

(4) If the Chairman is for any reason unable to preside over any meeting of the Committee, the Deputy Chairman shall act as the Chairman for that meeting.

(5) 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 Chairman of the Committee for that meeting¹.

31. Filling of casual vacancies

Casual vacancies in the Committee shall be filled by the [Chairman].²

32. Quorum

The quorum of the Committee shall be five.

33. Functions

³[(1) It shall be the function of the Committee to recommend the time that should be allocated-

- (a) for the discussion of stage or stages of such Government Bills and other business as the [Chairman]⁴ in consultation with the Leader of the Council may direct for being referred to the Committee; and
- (b) for the discussion of stage or stages of private members' Bills and resolutions.]

(2) The Committee shall have the power to indicate in the proposed [allocation of time]⁵ the different hours at which the various stages of the Bill or other business shall be completed.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ Subs. by *ibid.*

⁴ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

⁵ Subs. by *ibid.*

(3) The Committee shall have such other functions as may be assigned to it by the [Chairman]¹ from time to time.

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 to the Council and notified in the Bulletin]².

35. Allocation of time order

As soon as may be after the report has been made to the Council, a motion may be moved [by the Deputy Chairman or in his absence]³, by any other member of the Committee designated by the [Chairman]⁴ “that this Council agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills, or other business, as the case may be,” and if such a motion is accepted by the Council, it shall take effect as if it were an Order of the Council:

Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter:

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

36. Disposal of outstanding matters

At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill or other business, the [Chairman]⁵ shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.

¹ Subs. by *ibid.*

² Subs. by *ibid.*

³ Ins. by *ibid.*

⁴ Subs. by *ibid.*

⁵ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

37. Variation in the Allocation of Time Order

No variation in the Allocation of Time Order shall be made except by the [Chairman]¹, who may make such variation if he is satisfied after taking the sense of the Council that there is a general agreement for such variation.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER VII

QUESTIONS

38. Time for questions

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

39. Notice of questions

Unless the Chairman otherwise directs, not less than [fifteen clear days']¹ notice of a question shall be given.

40. Form of notice of questions

Notice of a question shall be given in writing to the Secretary-General and shall specify-

- (a) the official designation of the Minister to whom it is addressed; and
- (b) the date on which the question is proposed to be placed on the list of questions for answers.

41. Notice of admission of questions to Ministers

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

42. Starred questions

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

¹ Subs. by R.S. Bn.(II) dated 12.6.1995 para 35141.

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.]¹

44. Allotment of days for questions

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

²[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:

¹ Subs. by R.S. Bn. (II) dated 3.2.2010 para 46781.

² Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

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].

46. Questions to private members

A question may be addressed by a member to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible and the procedure in regard to such questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Chairman may consider necessary or convenient.

47. Conditions of admissibility of questions

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

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

- (i) it shall be [pointed, specific and confined to one issue only]¹;
- (ii) it shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (v) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (vi) it shall not ask as to the character or conduct of any person except in his official or public capacity;

¹ Subs. by R.S. Bn. (II) dated 12.6.1995 para 35141.

- (vii) it shall not ordinarily [exceed 100 words]¹
- (viii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (ix) it shall not [ordinarily]² ask for information on matters which are under the consideration of a Parliamentary Committee;
- (x) it shall not ask about proceedings in [a Parliamentary Committee]³ which have not been placed before the Council by a report from [that Committee]⁴;
- (xi) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (xii) it shall not make or imply a charge of a personal character;
- (xiii) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- (xiv) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xv) it shall not ask for information on trivial matters;
- (xvi) it shall not ordinarily seek information on matters of past history;
- (xvii) it shall not require information set forth in accessible documents or in ordinary works of reference;
- (xviii) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- (xix) it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (xx) it shall not relate to a matter with which a Minister is not officially connected;

¹ Subs. by R.S. Bn. (II) dated 12.6.1995 para 35141.

² Ins. by R.S. Bn. (II) dated 15.1.1982 para 26840.

³ Subs. by *ibid.*

⁴ Subs. by *ibid.*

- (xxi) it shall not refer discourteously to a friendly foreign country;
- (xxii) it shall not seek information about matters which are in their nature secret.

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

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

49. Chairman to decide admissibility

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

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

50. Chairman to decide if a question is to be answered orally

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

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]¹.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

51. List of questions

Questions, which have not been disallowed, shall be entered in the list of questions for the day for oral or written answers, as the case may be, in accordance with the orders of the Chairman.

[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 fifteen questions pertaining to the States under the President's Rule.]¹

52. Order of calling questions

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

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

53. Withdrawal or postponement of questions

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

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

¹ Ins. by R.S. Bn. (II) dated 12.6.1995 para 35141.

54. Mode of asking questions

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

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

(3) [If on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given.]¹

55. [Omitted.]²

56. Supplementary questions

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

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

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

57. Answers not to refer to proceedings in House

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

58. Short notice questions

(1) A question relating to a matter of public importance may be asked with shorter notice than fifteen clear days and if the Chairman is of the opinion that the question is of an urgent character he may direct that an

¹ Subs. by R.S. Bn. (II) dated 3.2.2010 para 46781.

² Deleted by *ibid*.

enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

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

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

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

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

[(5)The member who has given notice of the question shall ask the question by reference to its number on the list of questions when called by the Chairman and the Minister concerned shall give a reply immediately]¹.

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

59. No publicity of answers to questions in advance

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER VIII
HALF-AN-HOUR DISCUSSION

60. Half-an-hour discussion

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

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

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

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

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

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

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

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

(4) If more than two notices have been received and admitted by the Chairman, the Secretary-General shall [draw by lot]¹ two notices and

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

the notices shall be put down in the order in which they were received in point of time:

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any other day, unless the member so desires, in which case it shall be included in the [draw of lot]¹ for the next available day.

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

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER IX
LEGISLATION

I. Bills originating in Council

(a) INTRODUCTION AND PUBLICATION OF BILLS

61. Publication before introduction

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

62. Notice of Motion for leave to introduce private members' Bills

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

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

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

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

63. Communication of President's sanction or recommendation in respect of bills

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

64. Financial Memorandum

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

(2) Clauses or provisions in [Bills involving expenditure]¹ shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Chairman may permit the member in charge of the Bill to bring to the notice of the Council such clauses.

65. Memorandum on delegated legislation

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

66. Statement in connection with Ordinances

(1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Council, these shall be placed before the Council alongwith 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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

commencement of the session following the promulgation of the Ordinance.

67. Motion for leave to introduce Bill

If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon.

68. Publication after introduction

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

(b) MOTIONS AFTER INTRODUCTION OF BILLS

69. Motion after introduction of Bills

When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill namely:-

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

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

70. Discussion of principles of Bill

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

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

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

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

71. Members who may make motions in respect of Bills

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

charge except by way of amendment to a motion made by the member in charge.

(c) **SELECT COMMITTEES ON BILLS**

72. Constitution

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

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

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

73. Chairman of Committee

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

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

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

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

74. Quorum

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

(2) It at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, there is no quorum the Chairman

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.

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

75. Discharge of absent members

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

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

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

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

77. Casting vote of Chairman of Committee

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

78. Power to appoint sub-Committees

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

79. Meetings

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

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

80. Sittings

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

81. Venue of sittings

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

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

82. Notice of amendments and procedure in Committee

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

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

83. Notice of amendments by members other than members of Committee

When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is

received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

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

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

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the [Chairman]¹ whose decision shall be final;

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

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

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

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

85. Procedure for examining witnesses

The examination of witnesses before a Select Committee shall be conducted as follows:-

(1) The Select Committee shall before a witness is called for examination, decide the mode of procedure and the nature of questions that may be put to the witness.

(2) The Chairman of the Select Committee may first put to the witness such question or questions as he may consider necessary with

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

reference to the subject matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule.

(3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other questions.

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

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

86. Printing and publication of evidence

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

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

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

Provided that the [Chairman]¹ may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

87. Power of [Chairman]² to give directions

(1) The [Chairman]³ may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may, if he thinks fit, refer the point to the [Chairman]⁴ whose decision shall be final.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ Subs. by *ibid.*

⁴ Subs. by *ibid.*

88. Power to make suggestions on procedure

A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committees for the consideration of the [Chairman]¹ who may make such variations in procedure as he may consider necessary.

89. Record of decisions

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

90. Reports

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

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

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

(2) Reports may be either preliminary or final.

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

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

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

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

[(6) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report; so however, a minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Committee nor cast aspersion on the Committee or Chairman of the Committee or any member thereof.]¹

(7) [(i) If in the opinion of the Chairman of the Committee a minute of dissent contains words, phrases or expressions which are 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 (i) above, the [Chairman]² shall have the power to order expunction in like circumstances or to review all decisions regarding expunction from minutes of dissent and his decision thereon shall be final.]³

91. Presentation of report

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

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

92. Printing and publication of reports

The Secretary-General shall cause every report of a Select Committee

¹ Subs. by R.S. Bn. (II) dated 12.6.1995 para 35141.

² Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

³ Subs. by R.S. Bn. (II) dated 12.6.1995 para 35141.

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

(d) PROCEDURE AFTER PRESENTATION OF REPORT OF SELECT/ JOINT COMMITTEE

93. Motions that may be moved after presentation of report

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

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

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

- (b) that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, as the case may be, be re-committed either-
 - (i) without limitation; or
 - (ii) with respect to particular clauses or amendments only; or
 - (iii) with instructions to the Committee to make some particular or an additional provision in the Bill; or
- (c) that the Bill as reported by the Select Committee of the Council, or the Joint Committee of the Houses, be circulated or re-circulated, as the case may be, for the purpose of obtaining opinion or further opinion thereon.

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

94. Scope of debate on report

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

- (e) AMENDMENTS TO CLAUSES, ETC., AND CONSIDERATION OF BILLS

95. Notice of amendments

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

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

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

96. Conditions of admissibility of amendments

The following conditions shall govern the admissibility of amendments:-

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be moved, which has merely the effect of a negative vote.
- (iii) An amendment shall not be inconsistent with any previous decision of the Council on the same question.

- (iv) An amendment shall not be [frivolous]¹ or be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (v) If an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

- (vi) The Chairman shall determine [the order in which]² an amendment shall be moved.
- [(vii)]³ An amendment may be moved to an amendment which has already been proposed by the Chairman.
- [(viii)]⁴ The Chairman may refuse to propose an amendment which in his opinion contravenes these rules.

97. President's sanction or recommendation in respect of amendments

If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction or recommendation of the President, he shall annex to the notice required by these rules such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

98. Communication of President's sanction or recommendation in respect of amendments

The orders of the President granting or withholding the sanction or

¹ Ins. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ Re-numbered by *ibid.*

⁴ Ins. by *ibid.*

recommendation to an amendment to a Bill shall be communicated to the Secretary-General by the Minister concerned in writing.

99. Power of Chairman to select new clauses or amendments

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

100. Arrangement of amendments

Amendments of which notice has been given, shall as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill subject as aforesaid, amendments may be arranged in the order in which notice of them is received.

101. Consideration of amendments

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

102. Mode of moving amendments

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

103. Withdrawal of amendments

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

104. Submission of a Bill clause by clause

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

105. Postponement of clause

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

106. Schedule

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

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

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

108. Power of Chairman to correct patent errors etc.

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

(f) **PASSING OF BILLS**

109. Passing of Bills

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

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

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

(4) To such a motion no amendment may be moved which is neither formal nor verbal or consequential upon an amendment made after the Bill was taken into consideration.

110. Scope of debate

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

111. Bills passed by Council

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

(g) **BILLS OTHER THAN MONEY BILLS RETURNED BY HOUSE WITH AMENDMENTS**

112. Bills returned by the House with amendment

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

113. Notice of motion for consideration of amendment

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

114. Procedure on consideration of amendment

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

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

115. Disposal of amendment

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

116. Disagreement between the Houses

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

(h) ADJOURNMENT OF DEBATE ON, AND WITHDRAWAL AND REMOVAL OF BILLS

117. Adjournment of the debate on a Bill

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

118. Withdrawal of a Bill

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

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

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

119. Procedure when motion of withdrawal of Bill opposed

If a motion for leave to withdraw a Bill is opposed, the Chairman may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter without further debate, put the question.

120. Removal of a Bill from the Register of Bills

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

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by a Select Committee of the Council

or a Joint Committee of the Houses, as the case may be, be taken into consideration; and

- (v) that the Bill (or, as the case may be, that the Bill, as amended) be passed.

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

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

II. Bills originating in House and transmitted to Council

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

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

122. Notice

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

123. Motion for consideration

On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

124. Discussion

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

125. Reference to Select Committee

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

126. Consideration and passing

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

127. Bill passed without amendment

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

128. Bill passed with amendments

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

129. Procedure consequent on consideration of amendments

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

130. Notice of motion for consideration of amendments

After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case, any member after

giving two days' notice, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration.

131. Procedure on consideration of amendments

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

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

132. Disposal of amendments

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

133. Disagreement between Houses

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

134. Rejection of a Bill

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

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

III. Authentication and reconsideration of Bills

135. Authentication of a Bill

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

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

136. Reconsideration by Council of a Bill passed

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

CHAPTER X

PETITIONS

137. Petitions

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

138. Scope

Petitions may relate to-

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

139. General form

- (1) The general form of petition set out in the [First Schedule]¹,

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

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

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

140. Authentication of Signatories

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

141. Documents not to be attached

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

142. Counter-signature

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

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

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

144. Notice of presentation of petition

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

145. Presentation of petition

A petition may be presented by a member or be forwarded to the Secretary-General, in which latter case the fact shall be reported by him

to the Council, and no debate shall be permitted on' the making of such report.

146. Form of presentation

A member presenting a petition shall confine himself to a statement in the following form.-

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

and no debate shall be permitted on this statement.

147. Constitution of Committee on Petitions

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

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

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

148. Quorum

The quorum of the Committee shall be five.

149. Chairman of Committee

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

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

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

(3) If the Chairman of the Committee is absent from any meeting,

¹Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

²Subs. by *ibid.*

the Committee shall choose another member to act as Chairman of the Committee for that meeting.

150. Reference of petition to Committee

Every petition shall, after presentation by a member or report by the Secretary-General, as the case may be, stand referred to the Committee on Petitions.

151. Examination and circulation of Petitions

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

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

152. Report

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

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

153. Presentation of report

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

CHAPTER XI

RESOLUTIONS

1154. Notice

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 draw of lot. The names of all members from whom such notices are received shall be drawn by lot and those members who secure the first five places in the draw of lot 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 the draw of lot].

155. Form

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].²

156. Subject-matter

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

157. Conditions of admissibility

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

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Added by *ibid.*

158. Chairman to decide admissibility

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

159. Moving of resolution

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

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

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

160. Amendments

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

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

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

161. Time-limit of speeches

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

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

162. Scope of discussion

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

163. Withdrawal of resolution

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

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

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

164. Splitting of resolution

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

165. Repetition of resolution

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

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

166. Copy of resolution passed to be sent to Minister

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

CHAPTER XII

MOTIONS ON MATTERS OF PUBLIC INTEREST

167. Discussion on a matter of public interest

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

168. Notice

Notice of a motion shall be given in writing addressed to the Secretary-General.

169. Conditions of admissibility

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

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India;
- [(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 a 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 relate 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.]¹

170. Chairman to decide admissibility

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

171. Notification of No-Day-Yet-Named Motions

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

¹ Added by R.S. Bn. (II) dated 1.7.2000 para 38137.

172. Allotment of time for discussion

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

173. Putting of questions at the appointed time

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

174. Time-limit for speeches

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

175. [Omitted]¹.

¹ Deleted by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER XIII

SHORT DURATION DISCUSSION

176. Notice

Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary-General specifying clearly and precisely the matter to be raised:

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

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

177. Chairman to decide admissibility

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

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

178. No formal motion

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

179. Time-limit for speeches

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

CHAPTER XIV

RAISING MATTERS OF PUBLIC IMPORTANCE

I. Calling Attention

180. Calling attention to matters of urgent public importance

(1) A member may, with the previous permission of the Chairman, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date:

¹[Provided that no member shall give more than two such notices for any one sitting.]

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

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

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

(5) ²[The proposed matter shall be raised after the questions and the laying of papers, if any, on the Table and before any other item in the list of business is taken up and at no other time during the sitting of the Council].

³[II. Special Mention

180A. Notice

A member who wishes to mention a matter of Public Importance in the Council shall give notice in writing addressed to the Secretary-General in the prescribed form; provided that no member shall give more than two such notices for any one sitting.

¹ Ins. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by R.S. Bn. (II) dated 1.7.1972 para 20516.

³ Ins. by R.S. Bn. (II) dated 1.7.2000 para 38137.

180B. Conditions of admissibility

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

- (i) it shall be accompanied by a text of the special mention not exceeding 250 words;
- (ii) it shall not refer to a matter which is not primarily the concern of the Government of India;
- (iii) it shall not refer to a matter which has been discussed in the same session or which is substantially identical to the matter already raised by a member under this rule during the session;
- (iv) it shall not raise more than one issue and the issue shall not pertain to trivial matters;
- (v) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (vi) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (vii) it shall be restricted to a matter of recent occurrence;
- (viii) it shall not refer to proceedings of a parliamentary/consultative Committee;
- (ix) it shall not refer to the conduct or character of persons except in their public capacity; and
- (x) it shall not refer discourteously to a friendly foreign country.

180C. Time for tabling notices and their validity

(1) Notices received upto 5.00 p.m. on a day shall be placed before the Chairman, for his consideration, for the day on which there is next sitting of the House.

(2) Notices on subjects that have not been selected for a particular day shall be carried forward for consideration of the Chairman for the next sitting of the House.

(3) Notices not selected during the week for which they have been given, shall lapse at the end of the week and no intimation thereof shall be given to the member giving the notice.

(4) Members concerned may revive their notice(s) for the following week if they so desire by giving a fresh notice.

180D. Restriction on number of Special Mention

(1) Unless the Chairman otherwise directs, no member shall make more than one Special Mention during a week.

(2) Total number of Special Mentions to be admitted for a day shall not ordinarily exceed seven.

180E. Members to Associate

Any member who proposes to associate himself with a particular Special Mention may do so with the permission of the Chairman stating "I associate myself with the Special Mention made by _____" and such a member shall not make a speech thereon.]

CHAPTER XV

PROCEDURE IN FINANCIAL MATTERS

181. The Budget

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

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

182. General discussion on the Budget

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

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

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

183. Presentation of the Budget in parts

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

184. Business that can be taken up on a day allotted for financial business

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

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

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

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

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

(3) If the Chairman holds that the Bill is a financial Bill within the meaning of clause (1) of article 117 of the Constitution he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the register of Bills pending in the Council and should not be introduced in the Council.

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

186. Money Bills

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

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

(3) When such an allotment has been made, the Chairman shall at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put all the questions necessary to dispose of

the outstanding matters in connection with the stage or stages for which a day or days or part of a day has been allotted.

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

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

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

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

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

CHAPTER XVI
QUESTIONS OF PRIVILEGE

187. Question of privilege

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

188. Notice

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

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; and

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

190. Mode of raising a question of privilege

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

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

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

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

191. Reference to Committee of Privileges

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 either by the member who has raised the question of privilege or by any other member]¹.

192. Constitution of Committee of Privileges

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

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

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

193. Chairman of Committee

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

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

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

194. Quorum

The quorum of the Committee shall be five.

195. Examination of the question

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

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

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

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

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

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

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

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

197. Sittings of Committee

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

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

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

(2) Reports may be either preliminary or final.

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

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

198. Presentation of report

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

199. Motion for consideration of report

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

200. Amendments to motion for consideration of report

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

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

201. Motion after consideration of report

After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the

case may be, may move that the Council agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.

202. Regulation of procedure

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

203. Power of Chairman to refer a question of privilege to Committee

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

CHAPTER XVII

COMMITTEE ON SUBORDINATE LEGISLATION

204. Committee on Subordinate Legislation

¹[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.]

205. Constitution

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

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

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

206. Chairman of Committee

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

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

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

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

¹ Subs. by R.S. Bn. (II) dated 1.7.1972 para 20516.

Committee for that meeting.

207. Quorum

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

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

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

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

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

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

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

209. Functions

¹[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 functions 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

¹ Subs. by R.S. Bn. (II) dated 1.7.1972 para 20516.

- 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; and
 - (ix) whether for any reason the form or purport of the order calls for any elucidation].

210. Report

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

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

211. Presentation of report

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

212. Regulation of procedure

The Committee shall determine its own procedure in connection with

¹[CHAPTER XVII A

COMMITTEE ON GOVERNMENT ASSURANCES

212A. Committee on Government Assurances

There shall be a Committee on Government Assurances to scrutinize the assurances, promises, undertakings, etc., given by Ministers, from time to time, on the floor of the Council and to report on-

(a) the extent to which such assurances, promises, undertakings, etc., have been implemented; and

(b) when implemented whether such implementation has taken place within the minimum time necessary for the purpose.

212B. Constitution

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

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

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

212C. Chairman of Committee

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

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

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

(3) If the Chairman of the Committee is absent from any meeting,

¹ Subs. by R.S. Bn. (II) dated 1.7.1972 para 20516.

the Committee shall choose another member to act as Chairman of the Committee for that meeting.

212D. Quorum

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

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

212E. Power to take evidence or call for papers records or documents

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

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

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

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

212F. Presentation of report

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

212G. Regulation of procedure

The Committee shall determine its own procedure in connection with all matters connected with the consideration of any question of assurances, promises, undertakings, etc., in the Committee.]

all matters connected with the consideration of any question of subordinate legislation in the Committee.

¹[CHAPTER XVII B

COMMITTEE ON PAPERS LAID ON THE TABLE

212H. Committee on Papers Laid on the Table

(1) There shall be a Committee on Papers Laid on the Table.

(2) After a paper is laid before the Council by a Minister, the Committee shall consider-

(a) whether there has been compliance with the provisions of the Constitution or the Act of Parliament or any other law, rule or regulation in pursuance of which the paper has been so laid;

(b) whether there has been any unreasonable delay in laying the paper before the Council and if so, (i) whether a statement explaining the reasons for such delay has also been laid before the Council along with the paper, and (ii) whether those reasons are satisfactory; and

(c) whether the paper has been laid before the Council both in English and Hindi and if not, (i) whether a statement explaining the reasons for not laying the paper in Hindi has also been laid before the Council along with the paper, and (ii) whether those reasons are satisfactory.

(3) The Committee shall perform such other functions in respect of the papers laid on the Table as may be assigned to it by the Chairman from time to time.

212I. Constitution

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

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

¹ Ins. by R.S. Bn. (II) dated 15.1.1982 para 26840.

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

212J. Chairman of Committee

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

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

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

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

212K. Quorum

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

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

212L. Power to take evidence or call for papers, records or documents

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

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

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

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

212M. Presentation of report

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

212N. Regulation of procedure

The Committee shall determine its own procedure in connection with all matters connected with the examination of papers laid on the Table.

212O. Restriction on raising matters in Council about papers laid

A member wishing to raise any of the matters referred to in rule 212(H) shall communicate it to the Committee and not raise it in the Council.]

¹[CHAPTER XVII C
HOUSE COMMITTEE

212P. House Committee

There shall be a House Committee.

212Q. Constitution

(1) The Committee shall consist of [ten]² members who shall be nominated by the Chairman.

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

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

212R. Chairman of Committee

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

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

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

212S. Quorum

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

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

¹ Ins. by R.S. Bn. (II) dated 1.7.1986 para 29422.

² Subs. by R.S. Bn. (II) dated 20.7.2004 para 41502.

212T. Power to take evidence or call for papers, records or documents

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

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

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

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

212U. Functions

The functions of the Committee shall be -

(1) to deal with all matters relating to residential accommodation of members;

(2) to exercise supervision over facilities for accommodation, telephone, food, medical aid and other amenities accorded to members; and

(3) to consider and provide such amenities to members as may be deemed necessary from time to time.

212V. Presentation of report

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

212W. Regulation of procedure

The Committee shall determine its own procedure in connection with all matters connected with accommodation and other amenities to members.]

CHAPTER XVIII
**RESIGNATION, LEAVE OF ABSENCE AND
VACATION OF SEAT**

[213. Resignation of seats in Council

(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 thinks 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:

¹ Subs. by R.S. Bn.(II) dated 15.1.1982 para 26840.

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.]

214. Leave of absence from meetings of Council

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

(2) After the receipt of an application under sub-rule (1) of this rule the Chairman shall, as soon as may be, read out the application to the Council and ask: "Is it the pleasure of the Council that permission be granted to such and such a member for remaining absent from all meetings of the Council for such and such a period?" If no one dissents, the Chairman shall say: "Permission to remain absent is granted." But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

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

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

215. Vacation of seats in Council

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

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

CHAPTER XIX
COMMITTEE ON RULES

216. Committee on Rules

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

217. Constitution

¹[(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 a new Committee is nominated.

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

(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.]

218. Quorum

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

(2) The Chairman of the Committee shall not vote in the first instance

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

¹[219. Presentation of 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. Consideration of report

- ²(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]³ 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 consideration of the report in such form as may be considered appropriate by the [Chairman]⁴.
- ⁵(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]⁶ 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]⁷ may appoint.

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by *ibid.*

³ Subs. by *ibid.*

⁴ Subs. by *ibid.*

⁵ Subs. by *ibid.*

⁶ Subs. by *ibid.*

⁷ Subs. by *ibid.*

CHAPTER XX
**COMMUNICATIONS BETWEEN
PRESIDENT AND COUNCIL**

221. Communications from President to Council

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

222. Communications from Council to President

Communications from the Council to the President shall be made –

- (1) by formal address, after motion made and carried in the Council;
and
- (2) through the Chairman

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

222A. Intimation regarding arrest detention, etc. of member

When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be as also the place of detention or imprisonment of the member in the appropriate form set out in the Second Schedule.

222B. Intimation regarding release of members

When a member is arrested and after conviction released on bail pending an appeal or is otherwise released, such fact shall also be intimated to the Chairman by the authority concerned in the appropriate form set out in the Second Schedule.

222C. Treatment of communications regarding arrest, detention, release, etc.

As soon as may be, the Chairman shall, after he has received a communication referred to in rule 222A or rule 222B, read it out to the Council if sitting, or if the Council is not sitting, direct that it may be published in the Bulletin for the information of the members:

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the Council has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the Council by the Chairman:

Provided further that if a member has started attending the Council before it has been informed of his release, the Chairman may not read it out to the Council but direct that it may be published in the Bulletin for the information of the members.]

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

CHAPTER XXI
GENERAL RULES OF PROCEDURE

NOTICES

223. Notices by members

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

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

224. Circulation of notices and papers

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

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

225. Lapse of pending notices on prorogation of Council

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

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

226. Business before Committee not to lapse on prorogation of Council

Any business pending before a Committee shall not lapse by reason

only of the prorogation of the Council and the Committee shall continue to function notwithstanding such prorogation.

227. Power of Chairman to amend a notice

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

MOTIONS

228. Repetition of motion

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

229. Withdrawal of motion

(1) A member who has [moved a motion]¹ may withdraw the same by leave of the Council.

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

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

230. Dilatory motion

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

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

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

AMENDMENTS

231. Scope of amendments

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

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

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

232. Notice of amendments

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

233. Selection of amendments

(1) The Chairman may refuse to put an amendment which in his opinion contravenes these rules.

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

MODE OF COMMUNICATION OF PRESIDENT'S RECOMMENDATION OR SANCTION

234. Mode of communication of President's recommendation or sanction

Every recommendation or previous sanction by the President shall be communicated by a Minister in the following terms:-

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

amendment or recommends the introduction of the Bill or the moving of the Motion, Resolution or amendment in the Council or recommends to the Council the consideration of the Bill.”

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

RULES TO BE OBSERVED BY MEMBERS

235. Rules to be observed in Council

Whilst the Council is sitting, a Member-

- (i) shall not read any book, newspaper or letter except in connection with the business of the Council;
- (ii) shall not interrupt any Member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat;
- (iv) shall not pass between the Chair and any Member who is speaking;
- (v) shall not leave the Council when the Chairman is addressing the Council;
- (vi) shall always address the Chair;
- (vii) shall keep to his usual seat while addressing the Council;
- (viii) shall maintain silence when not speaking in the Council;
- (ix) shall not obstruct proceedings, hiss or interrupt and avoid making running commentaries when speeches are being made in the Council.

236. Members when entitled to speak

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

237. Mode of addressing Council

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

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

238. Rules to be observed while speaking

A member while speaking shall not-

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

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

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

[238A. Procedure regarding allegations against members

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 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.]¹

239. Questions to be asked through Chairman

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

240. Irrelevance or repetition

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

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.]²

ORDER OF SPEECHES AND RIGHT OF REPLY

242. Order of speeches and right of reply

(1) After the member who moves a motion has spoken, other members may speak to the motion in such order as the Chairman may

¹ Subs. by R.S. Bn. (II) dated 15.1.1982 para 26840.

² Subs. by R.S. Bn. (II) dated 15.12.2006 para 43726.

call upon them. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the Chairman, to speak to the motion at any later stage of the debate.

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

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Chairman.

PROCEDURE WHEN CHAIRMAN RISES

243. Procedure when Chairman rises

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

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

CLOSURE

244. Closure

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

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

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

245. Limitation of debate

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

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

QUESTION FOR DECISION

246. Procedure for obtaining decision of Council

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

247. Proposal and putting of question

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

248. No speech after voices collected

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

PAPERS QUOTED TO BE LAID ON THE TABLE

249. Papers quoted to be laid on the Table

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

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

Provided further that where a Minister gives in his own words a

summary or gist of such dispatch or State Paper it shall not be necessary to lay the relevant papers on the Table.

250. Papers laid on the Table to be public

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

STATEMENT BY MINISTER

251. Statement by Minister

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

DIVISION

252. Division

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

(2) The Chairman shall then say: “I think the Ayes (or the Noes, as the case may be) have it”. If the opinion of the Chairman as to the decision of a question is not challenged, he shall say twice: “The Ayes (or the Noes, as the case may be) have it” and the question before the Council shall be determined accordingly.

(3) If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for “Aye” and those for “No” respectively to rise in their places and, on a count being taken, he may declare the determination of the Council. In such a case, the names of the voters shall not be recorded.

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

(b) After the [lapse of three minutes and thirty seconds]¹, he shall put the question a second time and declare whether in his opinion the “Ayes” or the “Noes” have it.

¹ Subs. by R.S. Bn. (II) dated 15.12.2006 para 43726.

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

253. Division by operating automatic vote recorder

(1) If the opinion declared under clause (b) of sub-rule (4) of rule 252 is challenged and the Chairman decides that the votes shall be taken by operating the automatic vote recorder, he shall direct that the votes be recorded and thereupon the automatic vote recorder shall be put into operation and the members shall cast their votes from the seats respectively allotted to them by pressing the buttons provided for the purpose.

(2) After the result of the voting appears on the Indicator Board the Secretary-General, shall present the totals of “Ayes” and “Noes” to the Chairman.

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

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

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

254. Division by going into Lobbies

(1) If the opinion declared under clause (b) of sub-rule (4) of rule 252 is challenged and the Chairman decides that the votes shall be recorded by the members going into the Lobbies, he shall direct the “Ayes” to go into the Right Lobby and the “Noes” into the Left Lobby. In the “Ayes” or “Noes” Lobby, as the case may be, each member shall call out his Division Number and the Division Clerk, while marking off his number on the Division List shall simultaneously call out the name of the member.

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

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

(4) A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded either at his seat or in the Members’ Lobby.

(5) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake provided he brings it to the notice of the Chairman before the result of the division is announced.

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

WITHDRAWAL AND SUSPENSION OF MEMBERS

255. Withdrawal of member

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

256. Suspension of member

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

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

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

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

SUSPENSION OF SITTING

257. Power of Chairman to adjourn Council or suspend sitting

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

POINTS OF ORDER

258. Points of order and decisions thereon

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

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

MAINTENANCE OF ORDER

259. Chairman to preserve order and enforce decisions.

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

PROCEEDINGS OF COUNCIL

260. Preparation and publication of proceedings of Council

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

261. Expunction of words from proceedings

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

262. Indication of expunged words in proceedings

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

“Expunged as ordered by the Chair.”

ADMISSION OF OFFICERS OF THE HOUSE

263. Admission of Officers of the House to the Council

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

ADMISSION OF STRANGERS

264. Admission of strangers

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

265. Withdrawal of strangers

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

RESIDUARY POWERS

266. Residuary powers

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

SUSPENSION OF RULES

267. Suspension of rules.

[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.]¹

¹ Ins. by R.S. Bn. (II) dated 1.7.2000 para 38137.

[CHAPTER XXII

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEES

268. Department-related Standing Committees

(1) There shall be Parliamentary Standing Committees of the Houses (to be called the Standing Committees) related to Ministries/Departments.

(2) Each of the Standing Committees shall be related to the Ministries/Departments as specified in the Third Schedule:

Provided that the Chairman and the Speaker, Lok Sabha (hereinafter referred to as the Speaker), may alter the said Schedule from time to time in consultation with each other.

269. Constitution

[(1)Each of the Standing Committees constituted under Rule 268 shall consist of not more than 31 members, 10 members nominated by the Chairman from amongst the members of the Council, and 21 members nominated by the Speaker from amongst the members of the House]²:

Provided that a member appointed as a Minister shall not be nominated as, or continue as, a member of any Committee.

(2) The Chairman of each of the Committees specified in Part I of the Third Schedule shall be appointed by the Chairman of the Council from amongst members of the respective Committees, and the Chairman of each of the Committees specified in Part II of the said Schedule shall correspondingly be appointed by the Speaker.

(3) A member of a Committee shall hold office for a term not exceeding one year.

270. Functions

Each of the Standing Committees shall have the following functions, namely:—

¹ Added by R.S. Bn. (II) 30.3.1993 para 33692.

² Subs. by R.S. Bn. (II) 20.7.2004 para 41502.

- (a) to consider the Demands for Grants of the related Ministries/ Departments and report thereon. The report shall not suggest anything of the nature of cut motions;
- (b) to examine Bills, pertaining to the related Ministries/ Departments, referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon;
- (c) to consider the annual reports of the Ministries/Departments and report thereon; and
- (d) to consider national basic long term policy documents presented to the Houses, if referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon :

Provided that the Standing Committees shall not consider matters of day-to-day administration of the related Ministries/Departments.

271. Applicability of provisions relating to functions

Each of the functions of the Standing Committees as provided in Rule 270 shall be applicable to the Committees from such date as may be notified by the Chairman and the Speaker in respect of applicability of a particular function.

272. Procedure relating to Demands for Grants

The following procedure shall be followed by each of the Standing Committees in its consideration of the Demands for Grants and making a report thereon to the Houses, after the general discussion on the Budget in the Houses is over, and the Houses are adjourned for a fixed period :—

- (a) the Committee shall consider the Demands for Grants of the related Ministries during the aforesaid period;
- (b) the Committee shall make its report within the specified period; and;
- (c) there shall be a separate report on the Demands for Grants of each Ministry.

273. Procedure relating to Bills

The following procedure shall be followed by each of the Standing Committees in examining a Bill and making a report thereon :-

- (a) the Committee shall examine only such Bills introduced in either of the Houses as are referred to it by the Chairman or the Speaker, as the case may be; and
- (b) the Committee shall consider the general principles and clauses of such Bills and shall make report thereon within such time as may be specified by the Chairman or the Speaker, as the case may be.

274. Report of the Committee

(1) The report of the Standing Committee shall be based on broad consensus.

(2) Any member of the Committee may record a minute of dissent on the report of the Committee.

(3) The report of the Committee, together with the minutes of dissent, if any, shall be presented to the Houses.

275. Applicability of rules relating to Select Committees on Bills

In other respects the rules applicable to Select Committees on Bills in the Council shall apply *mutatis mutandis* to the Standing Committees specified in Part I of the Third Schedule and the general rules applicable to other Parliamentary Committees in the House shall apply to Standing Committees specified in Part II of the said Schedule.

276. Matters not to be considered

A Standing Committee shall not ordinarily consider matters within the purview of any other Parliamentary Committee.

277. Reports to have persuasive value

The report of a Standing Committee shall have persuasive value and shall be treated as considered advice given by the Committee.]

¹[CHAPTER XXIII

GENERAL PURPOSES COMMITTEE

278. General Purposes Committee

There shall be a General Purposes Committee.

279. Constitution

(1) The Committee shall consist of the Chairman, the Deputy Chairman, Members of the Panel of Vice-Chairmen, Chairmen of all Standing Parliamentary Committees of Rajya Sabha, Leaders of recognised Parties and Groups in Rajya Sabha and such other Members as may be nominated by the Chairman. The Chairman shall be the *ex-officio* Chairman of the Committee.

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

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

280. Quorum

In order to constitute a sitting of the Committee, the quorum shall be, as near as may be, one third of the total number of members of the Committee.

281. Functions

The functions of the Committee shall be to consider and advise on such matters concerning the affairs of the House as may be referred to it by the Chairman from time to time.

282. Record of decisions

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

¹ Added by R.S. Bn. (II) dated 1.7.2000 para 38137.

283. Special Report

The Committee may, if it thinks fit, make a special report on any matter that arises or comes to light in the course of its work which it may consider necessary to bring to the notice of the Chairman or the House, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to, its terms of reference.

284. Presentation of report

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

285. Power to make detailed rules

The Committee may with the approval of the Chairman make detailed rules of procedure to supplement the provisions contained in the rules in this Chapter.]

¹[CHAPTER XXIV
COMMITTEE ON ETHICS

286. Committee on Ethics

There shall be a Committee on Ethics.

287. Constitution

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

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

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

288. Chairman of Committee

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

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

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

289. Quorum

The quorum of the Committee shall be five.

290. Functions

The Committee shall have the following functions, namely:—

- (a) to oversee the moral and ethical conduct of members;

¹ Added by R.S. Bn. (II) dated 20.7.2000 para 41502.

- (b) to prepare a Code of Conduct for members and to suggest amendments or additions to the Code from time to time in the form of reports to the Council;
- (c) to examine cases concerning the alleged breach of the Code of Conduct by members as also cases concerning allegations of any other ethical misconduct of members; and
- (d) to tender advice to members from time to time on questions involving ethical standards either *suo motu* or on receiving specific requests.

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

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

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

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

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

292. Information to be furnished by members

Every member shall be required to furnish information within ninety days of his making and subscribing an oath or affirmation under article 99 of the Constitution, relating to his own assets and liabilities as well as the assets and liabilities of his immediate family members namely, spouse, dependent daughters and dependent sons, as provided in the rules framed under Section 75A of the Representation of the People (Third Amendment) Act, 2002.

293. Register of members' interest

(1) There shall be maintained a 'Register of members' interests' in such form as may be determined by the Committee which shall be available to members for inspection on request.

(2) The register shall be maintained under the authority of the Council.

(3) Information contained in the Register may be given to the general public in accordance with such rules and procedures as may be determined by the Committee from time to time.

294. Declaration of interests

(1) Whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committees before making such declaration.

(2) On a division in the Council if the vote of a member is challenged on the ground of personal, pecuniary or direct interest in the matter to be decided, the Chairman may, if he considers necessary, call upon the member making the challenge to state precisely the grounds of his objection, and the member whose vote has been challenged shall state his case, and the Chairman shall then decide whether the vote of the member should be disallowed or not and his decision shall be final:

Provided that the vote of a member is challenged immediately after the division is over and before the result is announced by the Chairman.

Explanation: For the purposes of this rule the interest of the member should be direct, personal or pecuniary and separately belong to the person whose vote is questioned and not in common with the public in general or with any section thereof or on any matter or State policy.

295. Procedure for making complaint

(1) Any person may make a complaint to the Committee regarding alleged unethical behaviour or breach of the Code of Conduct by a member

or alleged incorrect information of a member's interests.

(2) The Committee may also take up matters *suo motu*.

(3) Members may also refer cases to the Committee.

(4) A complaint should be addressed in writing to the Committee or to an officer authorized by it in such form and manner as the Committee may specify.

(5) The complaint shall be couched in temperate language and be confined to facts.

(6) A person making a complaint must declare his identity and submit supporting evidence, documentary or otherwise to substantiate his allegations.

(7) The Committee shall not disclose the name of the complainant, if so requested and if the request is accepted by the Committee for sufficient reasons.

(8) A complaint based merely on an unsubstantiated media report shall not be entertained.

(9) The Committee shall not take up any matter which is *sub judice* and the decision of the Committee as to whether such matter is or is not *sub judice* shall for the purposes of this rule be treated as final.

296. Procedure for inquiry

(1) If the Committee is satisfied that the complaint is in proper form and the matter is within its jurisdiction, it may take up the matter for preliminary inquiry.

(2) After the preliminary inquiry, if the Committee is of the opinion that there is no *prima facie* case, the matter may be dropped.

(3) If a complaint is found to be false or vexatious, or made in bad faith, the matter may also be taken up as an issue of breach of parliamentary privilege.

(4) If the Committee is of the opinion that there is a *prima facie* case, the matter shall be taken up by the Committee for examination and report.

(5) The Committee may frame rules from time to time to give effect to its mandate and for conducting inquiries either by itself or by any official acting under its authority.

(6) The Committee shall ordinarily hold its meetings in camera.

297. Sanctions

Where it has been found that a member has indulged in unethical behaviour or that there is other misconduct or that the member has contravened the Code/Rules, the Committee may recommend the imposition of one or more of the following sanctions *viz.* :

- (a) censure;
- (b) reprimand;
- (c) suspension from the House for a specific period; and
- (d) any other sanction determined by the Committee to be appropriate.

298. Presentation of report

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

299. Motion for consideration of report

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

300. Amendment to motion for consideration

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.

301. Motion after consideration of report

After the motion for consideration of the report has been carried, the Chairman or any member of the Committee or any other member, as the

case may be, may move that the Council agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

302. Regulation of procedure

The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the examination of cases with reference to ethical and other misconduct of members either in the Committee or in the Council.

303. Power of Chairman to refer a question of ethical and other misconduct to Committee

Notwithstanding anything contained in these rules, the Chairman may refer any question involving ethical and other misconduct of a member to the Committee for examination, investigation and report.]

SCHEDULES

FIRST SCHEDULE

Form of Petition

(See rule 139)

To

THE COUNCIL OF STATES (RAJYA SABHA)

The petition of (Here insert name and designation or description of petitioner(s) in concise form, e.g. "A. B. and other" or "the inhabitants of....." or "the Municipality of....." etc.).

Sheweth

(Here insert concise statement of case)

and accordingly your petitioner(s) pray that

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

Name of Petitioner	Address	Signature or thumb impression

.....

Counter-Signature of Member presenting

SECOND SCHEDULE

Form of intimation regarding arrest, detention, conviction or
release, as the case may be, of a Member

(See rules 222A, 222B and 222C)

Place.....

Date

To

THE CHAIRMAN,
RAJYA SABHA,
NEW DELHI.

Sir,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers conferred under Section of the (Act), to direct that Shri....., Member of the Rajya Sabha, be arrested/detained for (reasons for the arrest or detention, as the case may be).

Shri.....M.P., was accordingly arrested/taken into custody at..... (time) on.....(date) and is at present lodged in the..... Jail.....

(Place)

B

I have the honour to inform you that Shri....., Member of the Rajya Sabha, was tried at the..... Court before me on a charge (or charges) of.....

(reasons for the conviction).

On..... (date) after a trial lasting for.....days, I found him guilty of.....and sentenced him to imprisonment for.....(period).

(His application for leave to appeal to*..... is pending consideration).

*Name of the Court.

C

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

Yours faithfully,

(Judge, Magistrate or Executive authority).

THIRD SCHEDULE

Allocation of Ministries/Departments to various Department-related Parliamentary Standing Committees

(See rule 268)

Sl. No.	Name of Committee	Ministries/Departments
Part I		
1.	Committee on Commerce	Commerce and Industry
2.	Committee on Home Affairs	(1) Home Affairs (2) Development of North-Eastern Region
3.	Committee on Human Resource Development	(1) Human Resource Development (2) Youth Affairs and Sports (3) Women and Child Development
4.	Committee on Industry	(1) Heavy Industries and Public Enterprises (2) Micro, Small and Medium Enterprises
5.	Committee on Science and Technology, Environment and Forests	(1) Science and Technology (2) Space (3) Earth Sciences (4) Atomic Energy (5) Environment and Forests
6.	Committee on Transport, Tourism and Culture	(1) Civil Aviation (2) Road Transport and Highways (3) Shipping

Sl. No.	Name of Committee	Ministries/Departments
		(4) Culture (5) Tourism
7.	Committee on Health and Family Welfare	Health and Family Welfare
8.	Committee on Personnel, Public Grievances, Law and Justice	(1) Law and Justice (2) Personnel, Public Grievances and Pensions
Part II		
9.	Committee on Agriculture	(1) Agriculture (2) Food Processing Industries
10.	Committee on Information Technology	(1) Communications and Information Technology (2) Information and Broadcasting
11.	Committee on Defence	Defence
12.	Committee on Energy	(1) New and Renewable Energy (2) Power
13.	Committee on External Affairs	(1) External Affairs (2) Overseas Indian Affairs
14.	Committee on Finance	(1) Finance (2) Corporate Affairs (3) Planning (4) Statistics and Programme Implementation
15.	Committee on Food, Consumer Affairs and Public Distribution	Consumer Affairs, Food and Public Distribution

Sl. No.	Name of Committee	Ministries/Departments
16.	Committee on Labour	(1) Labour and Employment (2) Textiles
17.	Committee on Petroleum and Natural Gas	Petroleum and Natural Gas
18.	Committee on Railways	Railways
19.	Committee on Urban Development	(1) Urban Development (2) Housing and Urban Poverty Alleviation
20.	Committee on Water Resources	Water Resources
21.	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22.	Committee on Rural Development	(1) Rural Development (2) Panchayati Raj
23.	Committee on Coal and Steel	(1) Coal (2) Mines (3) Steel
24.	Committee on Social Justice and Empowerment	(1) Social Justice and Empowerment (2) Tribal Affairs (3) Minority Affairs

APPENDICES

APPENDIX I
THE HOUSES OF PARLIAMENT
(JOINTSITTINGSAND COMMUNICATIONS) RULES

*CHAPTER I

Preliminary

1. Short Title

These Rules may be called the Houses of Parliament (Joint Sittings and Communications) Rules.

2. Definitions

In these Rules, unless the context otherwise requires,—

- (a) “Council” means the Council of States;
- (b) “House” means the House of the People;
- (c) “Houses” means the Council of States and the House of the People;
- (d) “Joint Sitting” means a joint sitting of the Houses;
- (e) “Member” means a member of the Council or of the House;
- (f) “Secretary-General” means the Secretary-General of the House and includes any person for the time being performing the duties of the Secretary-General of the House;
- (g) “Speaker” means the Speaker of the House.

CHAPTER II

Joint Sittings of Houses

3. Summons to members

The Secretary-General shall issue a summons to each member specifying the time and place for a joint sitting.

*Rules made by the President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, in exercise of the powers conferred by clause (3) of article 118 of the Constitution of India.

[Deptt. of Parly. Affairs Notf. No. 5(1) PA-52. Dt. 16.5.1952; Gaz. Ex. (I-1), 20.5.1952].

4. Time of sitting

The hour upon which a joint sitting shall adjourn and the day and hour or the part of the same day to which it shall be adjourned shall be determined by the Speaker.

5. Presiding Officers

During the absence of the Speaker from any joint sitting, the Deputy Speaker of the House or, if he is also absent, the Deputy Chairman of the Council or, if he is also absent such other person as may be determined by the members present at the sitting, shall preside.

6. Quorum

The quorum to constitute a joint sitting shall be one-tenth of the total number of members of the Houses.

7. Procedure

At any joint sitting the procedure of the House shall apply with such modifications and variations as the Speaker may consider necessary or appropriate.

8. Report of proceedings of joint sittings

The Secretary-General shall cause to be prepared a full report of the proceedings of every joint sitting, and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

CHAPTER III

Communications between Houses

9. Communication by messages

Communications between the Houses shall be by messages.

10. Mode of sending messages

Every message from the House to the Council or from the Council to the House shall be in writing or in print or partly in writing and partly

in print and shall be signed by the Secretary-General of the House or the Council and conveyed to the Secretary-General of the Council or the House, as the case may be.

11. Communication of messages to members

(1) If any such message is received by the Secretary-General of the House or the Council when it is in session, he shall report the message to the House or the Council, as the case may be, at the first convenient opportunity after its receipt.

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

12. Procedure to deal with the subject-matter of the message

The subject-matter of the message shall be dealt with by the House or the Council, as the case may be, to which the message is sent according to the rules regulating its procedure and the conduct of its business.

APPENDIX-II

THE MEMBERS OF RAJYA SABHA (DISQUALIFICATION ON GROUND OF DEFECTION) RULES, 1985

In exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India, the Chairman, Rajya Sabha, hereby makes the following rules, namely:—

1. Short Title.

These Rules may be called the Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985.

2. Definitions.

In these Rules, unless the context otherwise requires:—

- (a) “Bulletin” means the Bulletin of the Council of States (Rajya Sabha);
- (b) “Committee” means the Committee of Privileges of the Council of States (Rajya Sabha);
- (c) “Council” means the Council of States (Rajya Sabha);
- (d) “Form” means a form appended to these rules;
- (e) “date of commencement” in relation to these rules, means the date on which these rules take effect under sub-paragraph (2) of paragraph 8 of the Tenth Schedule;
- (f) “leader”, in relation to a legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorised by the party to act, in the absence of the leader as, or discharge the functions of the leader of the party for the purposes of these rules;
- (g) “member” means a member of the Council of States (Rajya Sabha);

- (h) “Tenth Schedule” means the Tenth Schedule to the Constitution of India;
- (i) “Secretary-General”, means the Secretary-General to the Council of States (Rajya Sabha) and includes any person for the time being performing the duties of the Secretary-General.

3. Information to be furnished by leader of a legislature party

(1) The leader of each legislature party (other than a legislature party consisting of only one member) shall within thirty days from the date of commencement of these rules or, where such legislature party is formed after such date within thirty days from the date of its formation, or in either case, within such further period as the Chairman may for sufficient cause allow, furnish the following to the Chairman, namely:—

- (a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form-I and the names and designations of the members of such party who have been authorised by it for communicating with the Chairman for purposes of these rules;
- (b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned; and
- (c) where such legislature party has any separate set of rules and regulations. (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.

(2) where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule (1) to the Chairman within thirty days from the date of commencement of these rules or, where he has become a member of the Council after such date, within thirty days from the date on which he has taken his seat in the Council or, in either case, within such further period as the Chairman may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply

in relation to such legislature party as if such legislature party had been formed on the first date on which its strength increased.

(4) Whenever any change takes place in the information furnished by the leader of legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, as soon as may be thereafter and in any case within thirty days from the date on which such change has taken place or within such further period as the Chairman may for sufficient cause allow, furnish in writing information to the Chairman with respect to such change.

(5) Where a member belonging to any political party votes or abstains from voting in the Council contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member of such legislature party, such member, shall, as soon as may be thereafter and in any case within thirty days from the date of such voting or abstention, inform the Chairman as in Form-II whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation - A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

4. Information, etc., to be furnished by members

(1) Every member who has taken his seat in the Council before the date of commencement of these rules shall furnish to the Secretary-General within thirty days from such date or within such further period as the Chairman may for sufficient cause allow, a statement of particulars and declaration as in Form-III.

(2) Every member who takes his seat in the Council after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 99 of the Constitution and taking his seat in the Council, deposit with the Secretary-General his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary General a statement of particulars and declaration as in Form-III.

Explanation- For the purposes of this sub-rule “Election Certificate” means the certificate of election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

(3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Chairman, necessary corrigendum shall be published in the Bulletin.

5. Register of information as to members

(1) The Secretary-General shall maintain as in Form-IV, a register based on the information furnished under rules 3 and 4 in relation to the members.

(2) The information in relation to each member shall be recorded on a separate page in the register.

6. References to be by petitions

(1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Chairman by any other member.

(3) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.

(4) Every petition,-

(a) shall contain a concise statement of the material facts on which the petitioner relies; and

(b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(5) Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908). for the verification of pleadings.

(6) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

7. Procedure

(1) On receipt of a petition under rule 6, the Chairman shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of rule 6, the Chairman shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of rule 6, the Chairman shall cause copies of the petition and of the annexures thereto to be forwarded-

- (a) to the member in relation to whom the petition has been made, and where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such member or leader shall, within seven days of the receipt of such copies, or within such further period as the Chairman may for sufficient cause allow, forward his comments in writing thereon to the Chairman.

(4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed (whether originally or on extension under that sub rule), the Chairman may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.

(5) The Chairman shall, as soon as may be after referring a petition to the Committee under sub-rule (4) intimate the petitioner accordingly and make an announcement with respect to such reference in the House or, if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(6) Where the Chairman makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as, may be after receipt of the report from the Committee.

(7) The procedure which shall be followed by the Chairman for determining any question and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure applicable for the determination by the Committee of any question as to breach of privilege of the Council by a member, and neither the Chairman nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

8. Decision on petitions

(1) At the conclusion of the consideration of the petition, the Chairman shall by order in writing-

- (a) dismiss the petition, or
- (b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislature party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the Council forthwith if the Council is in session, and if the Council is not in session immediately after the Council reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the Official Gazette and copies of such decision shall be forwarded by the Secretary-General to the Election Commission of India and the Central Government.

9. Directions as to detailed working of these rules

The Chairman may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

FORM-I

[See Rule 3 (I)]

Name of the legislature
party:-Name of the corresponding political
Party:-

Sl. No.	Name of the Member (in block letters)	Father's/ Husband's Name	Permanent Address	Name of the State from which elected

Date:

Signature of the leader
of the legislature party

FORM-II

[See Rule 3 (5)]

To

The Chairman,
Rajya Sabha.

Sir,

At the sitting of the Council held on
(date) during voting on
(subject-matter).....
.....

<p>*Shri, M.P. (Division No.....), member of..... (name of political party), and member of (name of legislature party) had voted/abstained from voting,</p>	<p>*I..... (name of the member), M.P. (Division No.....), member of (name of political party) and leader of/sole member of (name of legislature party) voted¹ abstained from voting,</p>
--	---

contrary to the direction issued by
.....

** (*person/authority/party) without obtaining the prior permission of
the said person/authority/party.

2. On (date).....
the aforesaid matter was considered by**
(*person/authority/party) and the said voting*/abstention was condoned*/
was not condoned by him*/it.

Yours faithfully,

Date:

(Signature)

*Strike out inappropriate words/portion.

** (Here mention the name of the person/authority/party, as the case may be, who had issued
the direction).

FORM-III**[See Rule 4]**

1. Name of the member (in block letters) :
2. Father's/Husband's name :
3. Permanent Address :
4. Delhi Address :
5. Date of election/nomination :
6. Party affiliation as on –
 - (i) *date of election/nomination* :
 - **(ii) the 28th February, 1985* :
 - (iii) date of signing this form* :

DECLARATION

I..... hereby declare that the information given above is true and correct. In the event of any change in the information above, I undertake to inform the Chairman immediately.

Date:

Signature/thumb
Impression of Member

*To be filled in by members elected or nominated before the 1st March, 1985, being the date of commencement of the Constitution (Fifty-second Amendment) Act, 1985.

FORM IV
[See Rule 5 (1)]

Name of the Member (in block letters)	Father's/ Husband's name	Permanent Address	Delhi Address	Name of the State from which elected	Date of election/ nomination	Date of taking seat in the Council	Date of commencement of term of office	Name of political party to which he belongs	Name of legislature party to which he belongs	Remarks
1	2	3	4	5	6	7	8	9	10	11

APPENDIX-III

***THE MEMBERS OF RAJYA SABHA (DECLARATION OF ASSETS AND LIABILITIES) RULES, 2004**

In exercise of the powers conferred by sub-section(3) of section 75A of the Representation of the People Act, 1951(43 of 1951), the Chairman of the Council of States (Rajya Sabha) hereby makes the following rules, namely:

1. Short title

These Rules may be called the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004.

2. Definitions

In these rules, unless the context otherwise requires:–

- (a) “Act” means the Representation of People Act, 1951 (43 of 1951);
- (b) “Bulletin” means the Bulletin of the Council of States (Rajya Sabha);
- (c) “Chairman” means the Chairman of the Council of States (Rajya Sabha);
- (d) “Committee” means the Committee of Privileges of the Council of the States (Rajya Sabha);
- (e) “Council” means the Council of the States (Rajya Sabha);
- (f) “Form” means a form appended to these rules;
- (g) “Member” means an elected member of the Council of the States (Rajya Sabha);
- (h) “Register” means the Register of Declaration of Assets and Liabilities of elected Members maintained under sub-rule (1) of rule 4;

*Published *vide* Rajya Sabha Secretariat notification No. R.S. 18(i)/04-CE, Gazette of India, Extraordinary Part II, dated the 5th August, 2004.

- (i) “Secretary-General” means the Secretary-General of the Council of States (Rajya Sabha) and includes any person for the time being performing the duties of the Secretary-General;
- (j) “Section” means a section of the Act;
- (k) Words and expressions not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Furnishing of information regarding assets and liabilities by members

- (1) Every member of the Council shall, within ninety days from the date on which he makes and subscribes an oath or affirmation for taking his seat, furnish as in Form-I the following information as required to be furnished by him to the Chairman in pursuance of sub-section (1) of section 75A, namely:—
 - (i) the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;
 - (ii) his liabilities to any public financial institution; and
 - (iii) his liabilities to the Central Government or to the State Governments.*
- (2) Every member shall notify changes, if any, in the information so furnished by him [under sub-rule (1) as on the 31st day of March every year, by the 30th June of that year]§.

* The Committee on Ethics in its sitting held on 17 January, 2007 recommended that the expression “movable and immovable properties” should include assets owned in India as well as abroad. Likewise, the Committee also recommended that the term “liabilities” is inclusive of obligations in India and abroad. These recommendations of the Committee were accepted by the Hon’ble Chairman, Rajya Sabha and were enforced w.e.f. 25th April, 2007.

§ The words “within ninety days of such changes occurring” substituted by the Members of Rajya Sabha (Declaration of Assets and Liabilities) (Amendment) Rules, 2005 published *vide* Gazette Notification No. R.S.18(i)/2005-CE dated 17th February, 2006.

4. Register of Declaration of Assets and Liabilities

- (1) The Secretary-General shall maintain a register to be called the Register of Declaration of Assets and Liabilities of members as in Form-II.
- (2) The Secretary-General shall cause entries to be made in the Register based on the information furnished by every member under rule 3.
- (3) The information in relation to each member, his spouse and dependent children shall be recorded on a separate page in the Register.
- (4) The information contained in the Register shall be made available to any person with written permission of the Chairman.

5. References to be by complaints

- (1) No reference of any question as to whether a member has wilfully contravened any provision of these rules shall be made except by a complaint in relation to such member made in accordance with the provisions of these rules.
- (2) Every complaint referred to sub-rule (1) in relation to a member shall be made in writing to the Chairman by any other member or any citizen of India.
- (3) Before making any complaint in relation to any member, the complainant shall satisfy himself that there are reasonable grounds for believing that such member has wilfully contravened these rules.
- (4) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and it is made in good faith.
- (5) Every complaint made under rule 5:–
 - (a) shall contain a concise statement of the material facts on which the complainant relies upon; and
 - (b) shall be accompanied by–
 - (i) an affidavit duly affirmed by the complainant stating that the complaint is not false, frivolous or vexatious and that it is made in good faith; and

- (ii) copies of the documentary evidence, if any, on which the complainant relies and where the complainant relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.
- (6) Every complaint shall be signed by the complainant and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.
 - (7) Every annexure to the complaint shall also be signed by the complainant and verified in the same manner as the complaint.

6. Procedure

- (1) On receipt of a complaint under rule 5, the Chairman shall consider whether the complaint complies with the requirements of that rule.
- (2) If the complaint does not comply with the requirements of rule 5, the Chairman shall not entertain the complaint and intimate the complainant accordingly.
- (3) If the complaint complies with the requirements of rule 5, the Chairman shall cause copies of the complaint and of the annexures thereto to be forwarded to the member in relation to whom the complaint has been made, and such member shall within fifteen days of receipt of such copies, or within such further period as the Chairman may for sufficient cause allow, forward his comments in writing thereon to the Chairman.
- (4) After considering the comments, if any, in relation to the complaint, received under sub-rule (3) within the period allowed (whether originally or on extension under the sub-rule), the Chairman may—
 - (a) if he is satisfied that there has not been any wilful contravention of these rules, reject the complaint; or
 - (b) if he is satisfied, having regard to the nature, and circumstances of the case that it is necessary or expedient so to do, refer the complaint to the Committee for making an inquiry and submitting a report to him.

- (5) Where the Chairman makes a reference under sub-rule (4) to the Committee, he shall—
- (a) on receipt of the report from the Committee with a finding that there has not been any wilful contravention of the provisions of these rules by the member, treat the matter as closed; or
 - (b) on receipt of report from the Committee with a finding that there has been a wilful contravention of the provisions of these rules, cause the report of the Committee to be laid on the Table of the Council without any delay for a decision by the Council on the recommendations contained in the report of the Committee.
- (6) The procedure which shall be followed by the Committee for the purpose of making an inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the Council by a member, and the Committee shall come to any finding that a member had wilfully contravened the provisions of these rules only after affording a reasonable opportunity to such member to represent his case and to be heard in person.
- (7) Every decision referred to in sub-rules (4) and (5) shall be published in the Bulletin.

FORM I

(See rule 3)

A. Information regarding assets & liabilities of members

1. Name of the Member
(In block letters)
2. Father's/Husband's name
3. Permanent address
4. Delhi address
5. Party affiliation
6. Date of election
7. Date of taking oath/making affirmation in the House

I. Details of immovable property

- (1) Name of the State, District, Sub-division and Village in which property is situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with another person share of property held
- (5) If not held in member's own name, state in whose name held and his/her relationship with the member
- (6) How acquired
(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention.

II. Details of movable property

- (1) Description of the property (*i.e.* car/motorcycle/jewellery/ investments in banks/stocks market/companies/financial institutions/ insurance policies etc.)
- (2) Make, model (and also registration No. in case of vehicles) where necessary
- (3) Mode of acquisition (purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which financed
 - (a) personal savings
 - (b) other sources
- (6) Any other relevant information which the member may like to furnish

III. Details of liabilities of the member to public financial institutions/Central Government and State Government

- (1) Details of loans raised from Banks/Companies/Financial Institutions/ Central/State Governments
- (2) Amount of loans raised in each case
- (3) The period for which these loans were raised in each case

B. Information regarding immovable and movable properties held by member's spouse

1. Name of the Member's spouse
(in block letters)
2. Father's/Husband's name
3. Permanent Address
4. Delhi Address

I. Details of immovable property

- (1) Name of State, District, Sub-Division and Village in which Property is situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with member, share of property held
- (5) If not held in spouse's own name, state in whose name held and his/her relationship with the spouse
- (6) How acquired
(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention

II. Details of movable property

- (1) Description of the property
(*i.e.* car/motorcycle/jewellery/investment in banks/stock markets/companies/financial institutions/insurance policies etc.)
- (2) Make, model (and also registration No. in case of vehicles) where necessary
- (3) Mode of acquisition (purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which financed.
 - (a) personal savings
 - (b) other sources
- (6) Whether held as owner or beneficiary

- (7) Whether held jointly or severally
- (8) Any other relevant information which the member may like to furnish

C. Information regarding immovable and movable properties held by member's dependent children

- 1. Name of the member's dependent children
(in block letters)
- 2. Father's/Husband's name
- 3. Permanent Address
- 4. Delhi Address

I. Details of immovable property

- (1) Name of State, District, Sub-division and Village in which Property situated
- (2) Details of property
 - (a) House and buildings and their present value
 - (b) Lands and their present value
- (3) Whether held as owner or beneficiary
- (4) Whether held jointly or severally. If property held jointly with member, share of property held
- (5) If not held in the child's own name, state in whose name held and his/her relationship with the child
- (6) How acquired (whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)
- (7) Any other relevant information which the member may like to mention

II. Details of movable property

- (1) Description of the property
(i.e. car/motorcycle/jewellery/investments in banks/stock markets/
companies/financial institutions/insurance policies etc.)
- (2) Make, model (and also registration No. in case of vehicles) where
necessary
- (3) Mode of acquisition
(purchase/gift/mortgage lease or otherwise)
- (4) Purchase price of the property
- (5) In case of purchase, source or sources from which financed
 - (a) personal savings
 - (b) other sources
- (6) Whether held as owner or beneficiary
- (7) Whether held jointly or severally
- (8) Any other relevant information which the member may like to
furnish

DECLARATION

I,hereby
declare that the information given above is true and correct to the best of
my knowledge and belief.

Date :

Yours faithfully,

Signature/thumb
Impression of member

FORM II

[(See rule 4(1))]

PART A

1. Name of the member
(in block letters)
2. Father's/Husband's Name
3. Permanent Address
4. Delhi Address
5. Details of immovable properties with value
6. Details of movable properties with value
7. Details of liabilities
8. Remarks

PART B

1. Name of member's spouse
(in block letters)
2. Permanent Address
3. Delhi Address
4. Details of immovable properties with value
5. Details of movable properties with value
6. Remarks

PART C

1. Names of member's dependent children
2. Permanent Address
3. Delhi Address
4. Details of immovable properties with value
5. Details of movable properties with value
6. Remarks

DIRECTIONS BY THE CHAIRMAN

DIRECTIONS BY THE CHAIRMAN

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CHAPTER – 1

QUESTIONS

1. Maximum number of Questions of a Member in a day's List

Not more than five questions, both Starred and Unstarred combined, by one Member, shall be placed on the lists of questions for any one day and out of these not more than one question shall be placed on the list of questions for oral answers.

[R.S. Bulletin, Part-II, dated 3.2.2010]

2. Limit of Notices of Questions

A limit of 7 Notices of Questions per sitting per Member may be fixed and notices received in excess of 7 from a Member for a day may be kept for subsequent sittings concerning that Ministry/Ministries in that Session. Members who intend to give notices in bulk for the entire Session may do so by indicating their inter-se preferences. In case no such preferences are indicated, notices in excess of 7 per day will be considered for subsequent sitting on the basis of point of time of their receipt. However, the existing limit of five admitted questions per day per Member may continue.

[R.S. Bulletin, Part-II, dated 30.3.1994]

3. Limit on the Number of Questions in a day's Starred Question list

- (i) Not more than 30 questions should be placed on the list of questions for oral answers on any one day; and

[R.S. Bulletin, Part-II, dated 14.11.1962]

- (ii) Not more than twenty questions, *instead* of thirty as at present shall be placed on the list of questions for oral answers on any one day.

[R.S. Bulletin, Part-II, dated 17.10.1978]

4. Ballot of the Notices of Questions

The present procedure of holding a ballot of the notices of questions received within 7 days of the date of issue of summons for the purpose of determining their priority *inter se* will be discontinued and the procedure set out in para given below will be followed.

“In respect of all notices of Starred Questions for any particular day received upto 3.00 P.M. of the last date of receipt of such notices under Rule 39 of the Rules of Procedure and Conduct of Business, a ballot will be held at 5.00 P.M. on that day with a view to determining the inter se priority of Members who have given such notices and the list of admitted Starred Questions will be prepared in accordance with the result of such ballot.”

[R.S. Bulletin, Part-II, dated 14.5.1974]

5. Notice Period

After reviewing the prevailing position regarding Questions, Chairman, Rajya Sabha, is pleased to give the following directions under Rule 266 of the Rules of Procedure and Conduct of Business in the Rajya Sabha:-

“Under Rule 39 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, notices of Questions shall be given with not less than 15 not more than 21 clear days’ notice.”

The notices of Questions should, accordingly, be given not earlier than 21 clear days’ and not shorter than 15 clear days’ from the date for which the notice of Question is marked. Notices of Questions received before 21 clear days shall not be accepted in the Notice Office and in case the same are received through the Mail Box, no action shall be taken on such notices and the same shall be returned to the Members in original. Instruction issued *vide* Parliamentary Bulletin Part-II No.35718, dated the 24th June, 1996, permitting Members to give notices of Questions for the entire Session in one bulk stand modified accordingly.

The above directions of the Chairman, Rajya Sabha, shall come into effect from the 5th July, 1996, and the notices of questions received upto the 4th July, 1996 shall be dealt with as per the procedure prevailing prior to the adoption of the above direction.

[R.S. Bulletin, Part-II, dated 4.7.1996]

6. Removal of restriction of maximum period for giving Notices of Questions

“Under Rule 39 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, notices of Questions shall be given with not less than 15 and not more than 21 clear days notice.

The notices of Questions should, accordingly, be given not earlier than 21 clear days and not shorter than 15 clear days from the date for which the notice of Question is marked. Notices of Questions received before 21 clear days shall not be accepted in the Notice Office and in case the same are received through the Mail Box, no action shall be taken on such notices and the same shall be returned to the members in original.”

Members are informed that the Hon’ble Chairman, Rajya Sabha has now decided to do away with the restriction of maximum period of 21 days for giving notices of Questions with immediate effect. Hereafter, Members may give notices of Questions for any date, immediately after issue of Summons.

[R.S. Bulletin, Part-II, dated 5.5.1998]

7. Format of Notice of Question

“Text of the notice of Question should be typed or neatly handwritten on the printed standard format available in Notice Office. Notices of Question where the text is either stapled or pasted on the standard format shall not be entertained and such notice of Questions shall be returned to Members in original.”

[R.S. Bulletin, Part-II, dated 5.5.1998]

8. Mention of Date in the Notice of Question

Under rule 40 of the Rules of Procedure of Rajya Sabha, a Member shall specify in the notice of a Question, the date on which the Question is proposed to be placed on the list of questions for answers and that if no such date is specified, the notice shall be returned to the Member.

[R.S. Bulletin, Part-II, dated 14.5.1974]

9. Joint Notice of a Starred Question

When notice of a Starred Question is given by more than one Member, such notice shall be deemed to have been given by the first signatory only for the purpose of draw of lots and inclusion of name in the Starred List.

[R.S. Bulletin, Part-II, dated 3.2.2010]

10. Question lapsed on Termination of the Session

Subject to the provision of rule 43(1) of the Rajya Sabha Rules of Procedure, Questions in excess of five given notice of by a Member for any one day may be put down in the list of Questions on a subsequent day allotted to the group of Ministries. Notices of questions which lapse on the termination of a Session may be returned to the Members who had given these notices.

[R.S. Bulletin, Part-II, dated 6.2.1979]

11. Availability of Answers in Notice Office

One set of answers to all the Starred Questions included in the List of Questions for the day should be kept in the Notice Office by 10.30 A.M. for perusal by the Members. However, these answers would be considered confidential and would not be treated final till the questions are actually answered in the House.

[R.S. Bulletin, Part-II, dated 6.2.1979]

12. Clubbing of Names of Members to a Starred Question and Short Notice Question

Names of not more than two Members shall be clubbed to a Starred Question instead of three as at present. Besides the first name which will be in accordance with the result of the ballot, the name of the other Member clubbed will be in the order in which his notice was received in point of time. The same procedure shall also be followed in respect of the Short Notice Questions.

[R.S. Bulletin, Part-II, dated 5.11.1980]

13. Procedure for Ministers correcting Answers to Unstarred Questions

The Minister shall give to the Secretary-General notice of his intention to correct the reply given to an Unstarred Question. The notice shall be accompanied by a copy of the statement proposed for correcting the answer already given.

The Secretary-General shall include the item in the List of Business on the appropriate date in the following manner :-

STATEMENT CORRECTING ANSWER TO UNSTARRED QUESTION NO.....GIVEN IN RAJYA SABHA ON THE

SHRI/SHRIMATI.....to lay on the Table a statement (in English and Hindi) correcting answer to Unstarred Question No..... given in Rajya Sabha on the..... regarding.....

[R.S. Bulletin, Part-II, 17.2.1982]

14. Admissibility of Notices of Questions based on News Items

“I would like to make one observation. I find that a number of questions are put saying that it has appeared in a paper whether the Government’s attention has been drawn. Instead of the newspapers giving publicity to politicians, politicians are giving publicity to the newspapers. You must take the substance of the matter and then ask whether it is a fact or not. You should not say whether a report has appeared in some paper and what it is. You may note it for further reference. If some such question comes hereafter, I will not allow it.”

[R.S. Debate, Part II, dated 5.3.1987, cols. 27-28]

15. Placing of long Statements on the Table

“I will tell you there are people who err on both sides. Sometimes people lay very short statements on the Table of the House and some people go on reading long statements only. I am giving this direction that small statements must be read and long statements must be placed on the Table of the House.”

[R.S. Debate, Part-II, dated 30.4.1987, cols. 15-16]

16. Transfer of Questions

After a Question is admitted and printed, no transfer from one Ministry to another shall take place. However, if a request for the transfer of a Question from one Ministry to another is made before it is admitted and printed, Chairman shall be the final authority to decide in the matter.

[R.S. Bulletin, Part-II, dated 30.3.1994]

17. Answers to Questions by Ministries

Answers to all questions given in the Rajya Sabha shall be specific and complete and each part of the question or each item of information asked for therein shall be answered separately.

If, on his attention being drawn to an answer, the Chairman is satisfied that it does not fulfill this condition, he may direct the Minister to give a specific and complete answer to each part of the question.

[File No. R.S. 35/15/2000-L. dated 19.9.2000]

17A. Supplementaries to Starred Questions

(i) Two Supplementaries may be allowed to the Member in whose name a starred question has been listed. Besides, three more Members may be allowed one supplementary each. In case of a starred question, which is not put or the member in whose name it is appearing is absent, three members may be allowed on supplementary each.

[R.S. Bulletin, Part-II, dated 3.2.2010]

(ii) As decided in the Leaders' meeting convened by Hon'ble Chairman on March, 2008, a Member in whose name a starred question is admitted will be allowed two supplementaries and if there is another Member whose name is clubbed with the Member for that question, he or she will be allowed one supplementary. Thereafter, only two further supplementaries will be permitted on that question.

Member are requested to ask crisp supplementaries and Ministries are expected to give precise replies to the questions/supplementaries asked. Since question time is limited to one hour, an endeavour should be made to ensure coverage of more questions during that time.

[R.S. Bulletin Part-II, dated 12.03.2008]

17B. Questions relating to matters of past history

Rule 47(2) (xvi) of the Rules of Procedure lays down that a question shall not ordinarily seek information on matters of past history. A large number of notices of questions are, however, received from Members seeking information on matters relating to past period extending to several years. Members are, therefore, requested to keep in view the provisions of this rule while giving notices of questions and ordinarily seek information relating to a period not exceeding three years.

(R.S. Bulletin Part-II, dated 02.07.1971)

17C. Admissibility of Questions

Members are informed that as per Hon'ble Chairman's directions, questions which relate to matters of day-to-day administration of Government employees like their service conditions, postings, transfers, TA/DA, etc. or questions which tend to further the interest of an individual or a few individuals or private companies are not admissible.

[R.S. Bulletin Part-II, dated 22-11-2005]

CHAPTER – 2

BILLS

18. Removal of Private Members' Bills from the Register of Pending Bills

The following direction by the Chairman, Rajya Sabha, is reproduced for the information of the Members:–

‘A Private Member's Bill pending before the House shall be removed from the Register of Bills pending in the House in case the member in-charge is appointed a Minister.’

[R. S. Bulletin, Part-II, dated 23.11.1995]

19. Directions regarding Private Members' Bills

The following Directions by the Chairman, Rajya Sabha are reported for the information of the Members:–

(1) Limit on Notices for introduction of Private Members' Bills

A member can give a maximum of three notices for introduction of Private Members' Bills during a Session.

(2) Draw of lot for Private Members' Bills

There shall be one draw of lot for all the days allotted for Private Members' Bills in a Session in which ten names shall be drawn and priority obtained therein shall be valid for the entire Session.

(3) Listing of Private Members' Bills

Out of ten names drawn in the draw of lot for a Session, Bills of only five members (excluding part-discussed Bill, if any) in order of their priority shall be included at a time in the List of Business for consideration on each day allotted for Private Members' Bills.

(4) Time-limit for discussion on a Private Members' Bill and Resolution

The maximum time-limit for the discussion on a Private Member's Bill or Resolution shall be two hours.

[R. S. Bulletin, Part-II, dated 2.5.1997]

CHAPTER – 3

CALLING ATTENTION AND SPECIAL MENTIONS

20. Treatment of old Notices of Calling Attention

As announced by the Chairman in the House today, (23.5.1979) in pursuance of the decision taken by the Committee on Rules at its sitting held on the 16th May, 1979, the following procedure will be followed from the next session of the Rajya Sabha, with regard to treatment of old notices of Calling Attention:-

- (i) “all Calling Attention Notices received in a week will be kept alive and placed before me from day to day along with notices received upto 10.30 hours on the day on which the notices are put up to me;
- (ii) on the last day of the week on which the House sits, the notices received upto 10.30 hours on that day will be considered and all the notices which are not selected will be deemed to have lapsed and no intimation about this will be given to the members;
- (iii) notices received after 10.30 hours on the last day of the week on which the House sits will be deemed to have been received for the day on which the next sitting of the House is to be held and these will be valid for the following week.”

[R.S. Bulletin, Part-II, dated 23.5.1979]

21. Practice and Procedure in regard to Calling Attention Notices

Members are informed that in pursuance of certain decisions taken at the meetings of (i) the Rules Committee of the Rajya Sabha held on the 19th June, 1978 and 16th May, 1979 (ii) the Leaders of Parties and Groups held with the Chairman, on the 3rd and 21st August, 1970, and the 7th December, 1978 and (iii) the General Purposes Committee of Rajya Sabha held on the 21st March, 1975, and the announcement made by the Chairman in the Rajya Sabha on the 23rd May, 1979, the procedure and

practice followed in regard to the Calling Attention Notices, is reproduced below:-

- (i) all Calling Attention Notices received in a week will be kept alive and placed before the Chairman from day to day along with notices received upto 10.30 hours on the day on which the notices are put up to him;
- (ii) on the last day of the week on which the House sits, the notices received upto 10.30 hours on that day will be considered and all the notices which are not selected will be deemed to have lapsed and no intimation about this will be given to the Members;
- (iii) notices received after 10.30 hours on the last day of the week on which the House sits will be deemed to have been received for the day on which the next sitting of the House is to be held and these will be valid for the following week;
- (iv) a Member who initiates the Calling Attention Notice should not take more than five minutes;
- (v) other Members who may participate in the proceedings should restrict themselves to strictly seeking clarifications on points. The time to be given to a Member for this purpose will be entirely within the discretion of the Chairman;
- (vi) where a Calling Attention Notice stands in the name of a number of Members, in choosing members who desire to seek clarifications, the first principle will be party/group. After exhausting the parties/groups whose members have given the notice by calling one Member from each party/group, the Chairman may call Members belonging to parties/groups not in the list.
- (vii) normally not more than one hour should be spent for discussion of Calling Attention Notice and after the expiry of that period it will be left completely to the discretion of the Chair whether he should call any other member who desired to participate in the discussion. In any case, it should be so arranged that all the miscellaneous business on the Order Paper, other than the Legislative or other regular business, should be disposed of before the House adjourns for lunch.

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[R.S. Bulletin, Part-II, dated 6.7.1979]

Deleted since covered by the rules framed subsequently.

22. Announcement made by the Chairman regarding Calling Attention and Special Mentions

The Chairman made the following announcement in the House today (3.7.1980):

'I have to inform the Hon'ble Members that a meeting of the leaders of various parties and groups in the Rajya Sabha was held on June 19, 1980, with a view to streamlining the procedure in regard to Calling Attention and Special Mention. After discussion, the following broad consensus was arrived at:-

- (i) Not more than two notices of Calling Attention may be given by a member for one sitting;
- (ii) A member who initiates a Calling Attention should not take more than 7 minutes. Other members who are called by the Chairman should not take more than 5 minutes each and should restrict themselves strictly to seeking clarifications on the Calling Attention and avoid making long speeches;
- (iii) Not more than one hour should be spent on a Calling Attention and when there is Question Hour, the Calling Attention should conclude sharply at 1.00 P.M.

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The Calling Attention, Special Mentions and the formal business on the Order Paper should be so arranged that these are ordinarily disposed of before the House adjourns for lunch at 1.15 P.M. Legislative and/or regular business included in the List of Business should commence immediately after the lunch recess.

I have also consulted the members of the Panel of Vice-Chairmen in the matter and we propose to follow the above procedure strictly hereafter. I hope and trust that Hon'ble Members will co-operate with the Chair so that the important items of Calling Attention and Special Mention are disposed of timely and smoothly.

[R. S. Bulletin, Part-II, dated 3.7.1980]

@ Deleted since covered by the rules framed subsequently.

CHAPTER – 4

LIST OF BUSINESS

23. Separate List of Papers to be Laid on the Table

The following directions relating to the List of Business, issued by the Chairman, Rajya Sabha in pursuance of Rule 266 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), are reproduced below :—

- (i) In pursuance of the provisions of Rule 29 of the Rules of Procedure and Conduct of Business in the Council of States, there shall be separate list containing the 'PAPERS TO BE LAID ON THE TABLE' which shall include the various papers to be laid by Ministers, pursuant to provisions of the Constitution, Acts of Parliament and general directions of the House or Chairman;
- (ii) The list of 'PAPERS TO BE LAID ON THE TABLE' shall be circulated as a separate document in a different color paper alongwith the main List of Business for the day provided that papers being circulated at short notice may be included directly in the Supplementary List of Business as hitherto;
- (iii) The separate List of 'PAPERS TO BE LAID ON THE TABLE' shall be treated as part of the main List of Business for the day; and
- (iv) The main List of Business shall contain the names of Minister(s) who has/have to lay the Papers entered in the separate list alongwith the name of the Ministries in respect of which the papers are to be laid.

In case, the House adjourns without actually transacting the Business relating to the item, unless otherwise directed by the Chair, the Papers listed for the day may be listed in the next question day allotted to the Ministry.

[R.S. Bulletin, Part-II, dated 19.6.2001]

CHAPTER – 5

RECOGNITION OF PARLIAMENTARY PARTIES AND GROUPS

24. Recognition of Party or Group

The Chairman may recognise an association of Members as a Parliamentary Party or a Parliamentary Group for the purpose of functioning in the Council and his decision in the matter shall be final.

Conditions for recognition

In recognising a Parliamentary Party or a Parliamentary Group the Chairman shall take into consideration the following principles:-

- (i) An association of Members who propose to form a Parliamentary Party :-
 - (a) shall have a distinct ideology and a common programme of Parliamentary work on which they have been elected to the Council;
 - (b) shall have an organisation both inside and outside the Council;
and
 - (c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the Council, that is, one-tenth of the total number of Members of the Council.
- (ii) An association of Members to form a Parliamentary Group shall satisfy the conditions specified in parts (a) and (b) of clause (i) and shall have at least a strength of 15 Members.

[R.S. Bulletin, Part-II, dated 7.6.1980]

CHAPTER – 6

PARLIAMENTARY COMMITTEES

25. Committee on Subordinate Legislation

- “(1) The Committee on Subordinate Legislation may examine all ‘Orders’, whether laid before the Council or not, framed in pursuance of the provisions of the Constitution or a statute delegating power to a subordinate authority, to make such orders.
- (2) The Committee may examine provisions of Bills which seek to—
- (i) Delegate powers to make ‘Orders’, or
 - (ii) Amend earlier acts delegating such powers, with a view to see whether suitable provisions for the laying of the ‘Orders’ before the Council have been made therein.
- (3) The Committee may examine any other matter relating to an ‘Order’ or any Question of Subordinate Legislation arising there from.”

[R.S. Bulletin, Part-II, dated 10.4.1984]

26. Evidence of officials of Ministries/Departments and Chief Executives of Public Sector Undertakings/Banks etc. before Department-related Parliamentary Standing Committees

A Department-related Parliamentary Standing Committee, in dealing with the subjects relating to the Ministry/Department under its purview, in the normal course examines only the officials of such Ministry/Department. However, sometimes it may become necessary for the Committee to seek the views of other Ministry/Department of the Government of India which does not directly fall within its purview. In such cases the representatives of such Ministry/Department could be called to appear before the Committee. However, in case Chief Executives of PSU/Bank/Organisation under such Ministry/Department are also required to be examined, orders of the Chairman, Rajya Sabha shall be obtained before such officials are asked to appear before the Committee.”

[R.S. Bulletin, Part-II, dated 6.7.2006]

27. Evidence of Officials of State Governments before the Parliamentary Committees

“Whenever it is felt necessary to invite an official of a State Government to appear as a witness before a Committee or to ask the State Government to produce a document or paper before the Committee, the orders of the Chairman, Rajya Sabha shall be obtained before the official or the State Government is asked to comply with the request.

In case the Chairman decides that it is not necessary to summon a particular State official as a witness, or that the State Government need not be asked to produce a paper, document or record, the Chairman of the Committee concerned may, if he thinks necessary, apprise the Committee of the Chairman’s decision.”

[R.S. Bulletin, Part-II, dated 10.4.1984 & 28.1.1999]

28. Avoidance of Tours During the Budget Recess

Tours be avoided during the budget recess in view of the important and time-bound business they will have to transact in Delhi in the Standing Committees.

[CIRCULAR NO. RS.2(4)(iii)-94-COM.III DATED MARCH 9, 1994 AND REPRODUCED VIDE CIRCULAR NO. RS.18(1)/99-COM.II DATED MARCH 17, 1999]

29. Parliamentary Committees Tours

No Member of a Parliamentary Committee shall take with him/her on official tours of the Committee any member of his/her family, guest, relation or attendant. If on medical grounds, a Member desires to take any person with him/her on such tours he/she should obtain the written permission of the Chairman, Rajya Sabha in the matter.

[R.S. Bulletin, Part-II, dated 16.4.1987]

30. Minute of dissent on the Report of a Committee

- (1) 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 aspersion on the Committee or Chairman of the Committee.

- (2) (i) If in the opinion of the Chairman of the Committee, a minute of dissent contains words, phrases or expressions, which are 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 (1), 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.

[R.S. Bulletin, Part-II, dated 28.11.1994]

31. Presentation of Report of Committee to Chairman when the Council is not in Session

- (1) Ordinarily the report of a Committee shall be presented to the Council but in case the Committee completes its report when the Council is not in Session, the Chairman of the Committee may present it to the Chairman.
- (2) The Chairman may order the printing, publication or circulation of the report before it is presented to the Council.
- (3) Where a report is presented to the Chairman or where its printing, publication or circulation has been ordered by the Chairman, the fact shall be published in the Bulletin.
- (4) The Chairman may if so requested by the Committee direct that matters of factual nature or patent errors may be corrected in the report presented to him by a Committee before the report is printed, published or circulated and later presented to the Council.
- (5) The report shall be presented to the Council during the next Session at the first convenient opportunity by the Chairman or in his absence by a member of the Committee. While presenting the report, the Chairman or in his absence the member presenting the report shall confine himself to a brief statement to the effect that the report was

presented to the Chairman when the Council was not in session and that orders for its printing, publication or circulation were given by the Chairman.

- (6) Where the Committee ceases to exist after the presentation of the report to the Chairman, and before presentation of the report to the Council, the report shall be laid by the Secretary-General on the Table of the Council at the first convenient opportunity. While laying the report the Secretary-General, shall make a statement to the effect that the report was presented to the Chairman before the Committee ceased to exist and where it was ordered by the Chairman to be printed, published or circulated, the Secretary-General shall report the fact to the Council.

[R.S. Bulletin, Part-II, dated 25.1.1996]

32. Time of sittings of the Committee

“Unless the Chairman otherwise permits, no sitting of a Committee shall be held after the commencement of a sitting of the Council and before 1500 hours on the days when the Council is sitting”.

[R.S. Bulletin, Part-II, dated 8.12.2000]

33. Statement by Minister on Committee Reports

The Minister concerned shall make once in six months a statement in the House regarding the status of implementation of recommendations contained in the Reports of the Department-related Parliamentary Standing Committees of Rajya Sabha with regard to his Ministry.

[R.S. Bulletin, Part-II, dated 28.09.2004]

CHAPTER – 7

LAYING OF PAPERS ON THE TABLE BY PRIVATE MEMBERS

34. Laying of papers by private members

A private member may lay a paper on the Table of the House when he is permitted to do so by the Chairman.

35. Procedure for laying of papers by private members

- (i) If a private member desires to lay a paper or document on the Table of the House, he shall give prior notice to the Chairman of his intention along with a copy of the document desired to be so laid in order to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Chairman permits the member to lay the paper or document on the Table, the member may at the appropriate time lay it on the Table.
- (ii) If a private member, in the course of his speech wishes to quote from a secret or confidential or classified Government document, paper or report, he shall supply a copy thereof in advance to the Chairman and also indicate the portions thereof which he wishes to quote in order to enable the Chairman to decide whether permission should be granted. If the Chairman permits the member to quote from the document, the member may do so at the appropriate time. If the Chairman does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.
- (iii) (a) A paper or document sought to be laid on the Table by a private member may be considered for laying on the Table only if the member has quoted therefrom. The member seeking to lay the same may hand it over at the Table but it shall not be deemed to have been laid on the Table unless the Chairman, after examination, accords the necessary permission.
- (b) If the Chairman does not accord the necessary permission, the paper or document shall be returned to the member and the fact indicated in the printed Debates.

36. Authentication of papers to be laid by private members

- (i) When a member seeks permission of the Chairman to lay a paper or document on the Table of the House under direction 2, he shall record thereon a certificate in one of the following forms, as the case may be:-
- (a) 'I certify from my personal knowledge that this is the original document which is authentic.'
 - (b) 'I certify from my personal knowledge that this document is a true copy of the original which is authentic.'
 - (c) 'I certify that the contents of this document are correct and based on authentic information.'
- (ii) If the paper or document consists of more than one page, the member shall put his signature with date on every page thereof."

[R.S. Bulletin, Part-II, dated 01.04.2005]

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