

## CHAPTER–25

### Committees

#### I. Committee structure in general

**P**arliamentary Committees of the Rajya Sabha may be divided into two broad categories: (a) the Standing Committees and (b) the *ad hoc* Committees

##### (a) Standing Committees

The Standing Committees are those which are elected by the House or nominated by the Chairman every year or from time to time and are permanent in nature. There are twelve Standing Committees and in terms of their functions they may be categorised as follows:

###### *COMMITTEES TO ENQUIRE–*

- (a) Committee on Petitions
- (b) Committee of Privileges
- (c) Committee on Ethics

###### *COMMITTEES TO SCRUTINISE AND CONTROL–*

- (a) Committee on Government Assurances
- (b) Committee on Subordinate Legislation
- (c) Committee on Papers Laid on the Table

###### *COMMITTEES TO ADVISE–*

- (a) Business Advisory Committee
- (b) Committee on Rules

###### *HOUSE KEEPING COMMITTEES–*

- (a) House Committee
- (b) General Purposes Committee
- (c) Committee on Provision of Computer Equipment to Members of Rajya Sabha
- (d) Committee on Member of Parliament Local Area Development Scheme (MPLADS)

The functioning of all Standing Committees except the Committee on Provision of Computer Equipment to Members of Rajya Sabha and the Committee on MPLADS are governed by the Rules of Procedure and Conduct of Business in the Council of States.

#### *Department-related Committees*

Out of the twenty-four Department-related Parliamentary Standing Committees of both the Houses, the following eight Committees function under the direction and control of the Chairman, Rajya Sabha:

- (a) Committee on Commerce
- (b) Committee on Home Affairs
- (c) Committee on Human Resource Development
- (d) Committee on Industry
- (e) Committee on Science and Technology, Environment and Forests
- (f) Committee on Transport, Tourism and Culture
- (g) Committee on Health and Family Welfare
- (h) Committee on Personnel, Public Grievances, Law and Justice

The other sixteen Committees function under the direction and control of the Speaker, Lok Sabha.

#### **(b) *Ad hoc* Committees**

The *ad hoc* Committees are those which are constituted by the House or by the Chairman or by the Presiding Officers of both the Houses jointly to consider and report on specific matters and become *functus officio* as soon as they complete their work. Such Committees may be divided into two categories—

(i) The Select/Joint Committees on Bills. The Select/Joint Committees on Bills are constituted by the House(s) on specific motion moved by the Minister in-charge of the Bill or any member and adopted by the House to consider and report on Bills as referred to them from time to time. These Committees are distinguished from other *ad hoc* Committees, inasmuch as they are concerned with Bills and the procedure to be followed by them is laid down in the Rules of Procedure. They function under the directions and control of the Chairman.

Some instances of such Select/Joint Committees on Bills are Committee on the Lokpal and Lokayuktas Bill, 2011, Select Committee on the Insurance Laws (Amendment) Bill, 2008, Select Committee on the Repealing and

Amending Bill, 2014, Select Committee on the Payment and Settlement Systems (Amendment) Bill, 2014, Select Committee on the Mines and Minerals (Development and Regulation) Amendment Bill, 2015, Select Committee on the Constitution (One Hundred and Twenty-Second Amendment) Bill, 2014, Select Committee on the Real Estate (Regulation and Development) Bill, 2013, Select Committee on the Coal Mines (Special Provisions) Bill, 2015, and Joint Committee on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015.

(ii) Committees which are constituted from time to time either by the House on motions moved and adopted or by the Chairman to enquire into and report on specific subjects. Examples of such Committees constituted in the Rajya Sabha are: the Committee constituted in 1962, to frame Draft Rules of Procedure for the Rajya Sabha under article 118(2) of the Constitution; the Committee appointed in 1976 to enquire into the conduct of a sitting member of the Rajya Sabha; the Committee of members of both the Houses constituted in 1983 to bring about reconciliation between Nirankaris and Akalis; the Joint Parliamentary Committees appointed in 1988 and 1992 to probe into the Bofors Gun Deal and Bank Securities Scam, respectively; the Committee constituted in 1995 by the Chairman on the demand made by the members in the House during Question Hour, to examine all aspects relating to procurement of railway wagons; the Committees constituted by the Chairman in 1996 each on the problems of cotton growers and functioning of Wakf Boards. Three other Committees constituted by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha in consultation with each other in 1993 for the purpose of advising on statues and portraits in the Parliament House, catering services, and facilities for members also come under the category of *ad hoc* Committees. Similarly, the Joint Parliamentary Committee on Maintenance of Heritage Character and Development of Parliament House Complex constituted on 15 December 2009 comes under this category.

I. *Financial and other Committees on which Rajya Sabha is represented*

Members of the Rajya Sabha are represented or associated with the following four Committees provided for in the Rules of Procedure and Conduct of Business in the Lok Sabha:

- (a) Committee on Public Accounts (PAC)
- (b) Committee on Public Undertakings (COPU)
- (c) Committee on the Welfare of Scheduled Castes and Scheduled Tribes
- (d) Committee on Empowerment of Women

## II. *Committee mentioned in the Appendix to Lok Sabha Rules*

The Chairman nominates three members to serve on the Library Committee which is set up by the Speaker and finds a mention in the Appendix-II to the Lok Sabha Rules.

## III. *Committees set up by motions*

Besides these, there are other Committees on which the Rajya Sabha is represented. They are set up by adoption of motions in both the Houses.

- (a) Parliamentary Committee to review the rate of dividend payable by the Railway Undertaking to the General Revenues (Railway Convention Committee)
- (b) Joint Committee on Offices of Profit
- (c) Committee on Welfare of Other Backward Classes (OBCs)

## IV. *Statutory Committee*

A statutory Committee is set up by an Act of Parliament. For instance, the Joint Committee on Salaries and Allowances of Members constituted under the Salary, Allowances and Pension of Members of Parliament Act, 1954 in which members of both Houses are represented.

## V. *Consultative Committees*

Members of both Houses of Parliament are nominated by the Minister of Parliamentary Affairs to serve on the Consultative Committees attached to various Ministries.

## VI. *Government Committees*

There are a number of Committees, Councils, Boards, etc. which are constituted by the Government either in pursuance of statutes or by the Government resolutions, on which members are represented.

### **How Committees are generally constituted in Rajya Sabha**

Standing Committees mentioned above are generally reconstituted every year before the conclusion of the Budget session. If, however, in any year biennial elections to the Rajya Sabha are to take place, the process of the reconstitution of Committees may be deferred to enable allocation of seats on various Committees to different parties/groups on the basis of their numerical strength after such elections. For instance, in the year 1986, the Committees were reconstituted at the end of October 1986,<sup>1</sup> due to biennial elections to the Rajya Sabha in June, July and August that year. In 1987, however, the Committees were reconstituted in May that year as

per the practice.<sup>2</sup> Again in 1992, the Committees were reconstituted in mid-November,<sup>3</sup> while the process of reconstitution of Committees in 1993, though commenced in May, could be completed only in July that year.<sup>4</sup> In 1994, the Committees were reconstituted in June<sup>5</sup> and in 1995 and 1996 they were constituted in August and July, respectively.<sup>6</sup> However, as per current practice the Standing (House) Committees of Rajya Sabha and the Department-related Parliamentary standing Committees are constituted afresh, normally once in two years and this exercise is usually linked to the biennial elections to the Rajya Sabha.

For the purpose of committee reconstitution, as per the convention and practice, an informal meeting of leaders of the various parties/groups in the Rajya Sabha having a numerical strength of five or more members is held by the Leader of the House/Minister of Parliamentary Affairs in order to decide on the quota for each party/group on various Standing Committees. They make allocation to different Committees in terms of the strength of each party/group. The Secretariat prepares and furnishes informally statements indicating the seats available, current representation of various parties, etc. in respect of the two Financial Committees (PAC and CoPU) and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes as well as Committee on Welfare of Other Backward Classes on which the Rajya Sabha is represented and Standing Committees of the Rajya Sabha. The quota is then worked out by dividing the effective strength of the Rajya Sabha by the number of seats available. For working out this quota, the effective representation of the Rajya Sabha in the Committees/total composition of the Committees is taken into account and the Committees are grouped as follows: (1) two Financial Committees and the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the Committee on Welfare of Other Backward Classes:  $7 + 7 + 10 + 10 = 34$ ; (2) Business Advisory Committee, Committee of Privileges and Committee on Rules:  $9 + 10 + 14 = 33$ ; (3) House Committee, Committee on Petitions, Committee on Government Assurances, Committee on Subordinate Legislation and Committee on Papers Laid on the Table:  $10 + 10 + 10 + 15 + 10 = 55$ . Assuming that there are 34 seats available in the first group and the effective strength of the Rajya Sabha is, say, 232 (*i.e.*, 245, less number of vacancies—13), the quota to be worked out for this group would, therefore, be  $232/34 = 6.82$ , say 7, *i.e.*, one seat for every 7 members.

After the parties/groups mutually agree, the leaders are requested to submit names of the members for consideration of the Chairman, by a specific date. In suggesting names, leaders generally keep in mind that as far as possible a member does not serve on a Committee for more than two consecutive terms. So far as seats available to smaller groups, independents and unattached members are concerned, the Chairman nominates members

from amongst them. After all the names have been received, the Chairman approves nomination of members to various Committees. The names of members so nominated are notified in the Parliamentary Bulletin Part-II. They are also formally informed individually.<sup>7</sup>

So far as the Committees in the first group mentioned above are concerned, the seats are required to be filled by election in accordance with the system of proportional representation by means of the single transferable vote after the motions in respect thereof are adopted by the House. However, by taking recourse to the procedures of informal consultation and working out of quota, unanimity is generally brought about and the election does not become necessary.

As regards the Chairmanship of the Committee, the Chairman, Rajya Sabha is also the Chairman of the Business Advisory Committee,<sup>8</sup> General Purposes Committee and Committee on Rules.<sup>9</sup> The Deputy Chairman is the Chairman of the Committee of Privileges. In the case of other Standing Committees, namely, the Committee on Petitions, the Committee on Government Assurances, the Committee on Subordinate Legislation, the Committee on Papers Laid on the Table and the House Committee, the Chairmanship is shared between the ruling and the opposition parties in proportion to their numerical strength in the House. The Chairman, Rajya Sabha appoints Chairmen of Committees in consultation with the leaders of parties/groups concerned.

The present Chapter describes the composition, functions, of the various categories of Committees mentioned above under the following heads: Individual Committees, Select/Joint Committees on Bills, Department-related Committees, Financial and other Committees on which the Rajya Sabha is represented, Statutory Committees, *ad hoc* Committees, Government Committees and Consultative Committees.

## II. Individual Committees

### Business Advisory Committee

#### *Constitution*

The Chairman nominates from time to time the Business Advisory Committee consisting of eleven members including the Deputy Chairman.<sup>10</sup> The Chairman, Rajya Sabha, is the Chairman of the Committee.<sup>11</sup> The Committee so nominated holds office until a new Committee is nominated.<sup>12</sup> If the Chairman is for any reason unable to preside over any meeting of the Committee, the Deputy Chairman acts as the Chairman for that meeting.<sup>13</sup> If both the Chairman and the Deputy Chairman are unable to preside over any meeting, the Committee chooses any other member to act as the

Chairman for that meeting.<sup>14</sup> Casual vacancies in the Committee are filled by nomination by the Chairman.<sup>15</sup> The quorum of the Committee is five.<sup>16</sup>

In view of the limited membership of the Committee and a number of parties/groups in the House, it is not possible for the Chairman to nominate members from each and every group. In order to make the Committee as broad-based as possible so that its recommendations could be acceptable to all sections of the House, leaders of groups having a strength of four or more which do not find representation on the Committee are invited to attend its sittings as special invitees. Similarly, members of the panel of Vice-Chairmen, if not already members of the Committee, are also invited to attend as special invitees. The members so invited take part in the deliberations of the Committee without the right to vote and they are also not counted for the purpose of quorum of the Committee. The Leader of the House, Leader of the Opposition and Minister(s) in-charge of Parliamentary Affairs in the Rajya Sabha are also invited as a special invitees.

#### *Meetings*

Meetings of the Business Advisory Committee are generally held in the Chairman's Room on the opening day of every session and also every Thursday (mostly at 4.00 p.m.), when the House is in session. The day, time and venue of the meetings may be changed and fixed as per the convenience of the Chairman.

#### *Functions*

The Committee recommends time that should be allocated for various stages of Government Bills<sup>17</sup> and other business as well as for various stages of Private Members' Bills and resolutions.<sup>18</sup> The Committee performs such other functions as may be assigned to it by the Chairman from time to time.<sup>19</sup> The Committee also recommends time for discussion of other items of business such as the Motion of Thanks on the President's Address,<sup>20</sup> though the power to allot time for such items is vested in the Chairman who exercises this power in consultation with the Leader of the House.<sup>21</sup> The Committee also allocates time for discussion of 'no-day-yet-named motions'<sup>22</sup> and 'short duration discussions', the notice of which is given by members and admitted by the Chairman. Besides, all proposals for late sittings of the House (in exceptional cases dispensing with Question Hour)<sup>23</sup> or dispensing with or curtailment of lunch hour, and fixing of additional sittings/<sup>24</sup> cancellation of sittings<sup>25</sup> or fixation of a sitting on a Saturday<sup>26</sup> are also generally placed before the Committee for its consideration.

The Committee at its meeting held on 10 May 2012 decided that the House will sit from 11.00 a.m. to 4.30 p.m. on Sunday, the 13 May 2012 for its Special Sitting to commemorate the 60<sup>th</sup> Anniversary of the first sitting of Parliament.<sup>27</sup>

The priority in respect of Government business is determined by the Government. The Committee has, however, in certain cases, recommended priority to individual items of business or suggested the hour and date on which an item of business be taken up in the House or recommended postponement of certain items of business, if sufficient time was not available during the session for discussion of that item of business placed before the Committee.

The Committee has, at times, *suo motu* recommended to the Government to find time for particular subjects for discussion in the House<sup>28</sup> and also recommended allocation of date or time for such discussions.<sup>29</sup>

On an occasion the Committee recommended the Deputy Chairman to consider admitting half-an-hour discussion on points arising out of answers given to certain questions.<sup>30</sup>

The Committee at its meeting held on 11 November 2010 allotted four hours, for the discussion of the motion under article 217 read with article 124(4) of the Constitution for removal from office of Mr. Justice Soumitra Sen of Calcutta High Court.<sup>31</sup>

At times, the Committee may recommend that any item of business may be disposed of by the House without discussion<sup>32</sup> or that when the subject-matter of two or more items of business so warrants, those items may be discussed together in the House<sup>33</sup> or that a particular Bill may be introduced on a day and referred to a Committee or all the stages of the Bill may be gone through in one sitting.

The Committee recommended that the Criminal Law Amendment Bill, 1995, be introduced in the House on 18 May 1995, and be referred to the Department-related Parliamentary Standing Committee on Home Affairs; that Committee might submit its report within two days and the Bill be taken up for consideration and passing on 22 May 1995.<sup>34</sup>

The Committee recommended that the Sixth Schedule to the Constitution (Amendment) Bill, 1995, in its application to the State of Assam be taken up for consideration and passing, immediately after its introduction on 17 August 1995.<sup>35</sup>

The Committee recommended that the National Commission for Heritage Sites Bill, 2009 may be referred to the concerned Department-related Parliamentary Standing Committee after its constitution and that the Committee should examine and report within a reasonable time-frame.<sup>36</sup>

The Committee recommended that the Nalanda University Bill, 2010 may be taken up for consideration and passage during the 220<sup>th</sup> Session itself without referring it to the concerned Department-related Parliamentary Standing Committee.<sup>37</sup>

The Committee may also re-examine the allocation of time already recommended in respect of a Bill or any other item of business and reschedule the same with reference to its date and time.<sup>38</sup>

As per convention, the Committee recommends the names of Ministries whose working should be discussed by the House during the Budget session and also fixes the order in which they may be taken up for discussion.<sup>39</sup>

Since the Committee has been specifically empowered to allocate time for disposal of Private Members' Bills<sup>40</sup> and resolutions,<sup>41</sup> it may also recommend that the House may dispense with the private members' business listed for a Friday in order to complete the urgent Government legislative and other business and allot time for private members' business on any other day<sup>42</sup> in the same or subsequent week<sup>43</sup> or even in the next session.<sup>44</sup> The Committee may also recommend shifting of time for private members' business on a Friday to another time and day.<sup>45</sup>

There had been occasions in early years when the Committee had recommended that the days allotted for private members' business be converted into Government business days, or other days be allotted *in lieu* of Fridays.<sup>46</sup>

On an occasion, the Committee had recommended that (1) the lunch recess should be curtailed by half-an-hour; (2) the House should sit every day till 6 p.m.; (3) Friday allocated for private members' business should be allocated for Government business; and (4) the House should sit on Saturday for the transaction of Government business. A member contended that the recommendation of the Committee regarding conversion of private members' day into Government business day was *ultra vires* of the rules as far as the Committee's function to allocate time was concerned and amounted to negating the list of business circulated earlier. The Chairman stated that with a view to completing urgent Government business during the remaining part of the session, Government had represented to him that the particular day should be allotted for Government business. He placed the request before the Business Advisory Committee to ascertain its views. The consensus at the meeting was that the Government's request should be agreed to. The matter, however, ended after the Leader of the House assured that Government would consider finding time for private members' business.<sup>47</sup>

On occasions, the Committee has considered certain procedural or special matters also.

On 17 March 1986, the Committee recommended that the good wishes to the members retiring in 1986 should be offered on 18 March 1986.<sup>48</sup> On 14 March 1995, the Committee recommended that henceforth 3 April of every year, be observed as the 'Rajya Sabha Day' in a

befitting manner.<sup>49</sup> On 26 February 1996, the Committee, recommended that an obituary reference to the passing away of Shri N.T. Rama Rao, former Chief Minister of Andhra Pradesh, be made in the House on 27 February 1996.<sup>50</sup> The Committee laid down the procedure for discussion in the Rajya Sabha on the working of the Ministries of the Government of India which was introduced in the Budget session in 1970.<sup>51</sup> The Committee prescribed the time at which ordinarily the Ministers should make statements in the House,<sup>52</sup> order in which notices for clarifications received from members should be arranged<sup>53</sup> and the procedure for seeking clarifications on Ministers' statements.<sup>54</sup>

On an occasion, the Committee recommended that one calling attention or short duration discussion might be discussed every week during the session.<sup>55</sup>

The Committee has also from time to time considered procedures regarding clarifications on calling attention,<sup>56</sup> notices of special mention,<sup>57</sup> zero hour submissions<sup>58</sup> and regulation of Question Hour.<sup>59</sup>

The Committee recommended that a special sitting be held to commemorate the 50<sup>th</sup> anniversary of the Quit India Movement.<sup>60</sup> The Committee recommended a date for felicitations to be offered to Shri Bhupesh Gupta, a member who had completed twenty-five years of uninterrupted service in the House.<sup>61</sup>

The Committee discussed the matter of telecasting the proceedings of the House and unanimously recommended that the proceedings of the Rajya Sabha should be telecast simultaneously with those of the Lok Sabha.<sup>62</sup> The Committee also gave approval to the proposal of AIR to record Question Hour proceedings of the House when Doordarshan covered the proceedings of the other House so that the Question Hour proceedings of both the Houses could be available to the audience through either of the media.<sup>63</sup> On another occasion, the Committee recommended that a Joint General Purposes Committee be constituted for taking decisions on matter of common concern to both Houses, such as the telecasting of proceedings of the Houses.<sup>64</sup> The Committee recommended that the proceedings of the Rajya Sabha when zero hour and special mention matters were raised need not be telecast live for the time being.<sup>65</sup>

On an occasion, the Committee considered a suggestion regarding calling the Attorney-General to the House to give his opinion on the order of the Election Commission staying elections in the country. The Committee was of the view that there was no need to call him.<sup>66</sup>

The Committee recommended that at least four hours should be utilised daily for the transaction of the Government legislative business.<sup>67</sup>

On an occasion, the Committee considered draft resolution to be moved by the Chairman to commemorate the 50<sup>th</sup> Anniversary of the United

Nations and suggested that it should be modified in respect of restructuring of the Security Council.<sup>68</sup>

On another occasion, the Committee recommended that the Government may bring a resolution on the terrorist attack in Mumbai on 26 November 2008 on the occasion of its First Anniversary and that the resolution may be adopted unanimously after leaders of all political parties spoke on the occasion.<sup>69</sup>

### *Functioning of the Committee*

Before the commencement of each session, a programme of Government legislative and other business is received from the Ministry of Parliamentary Affairs and placed before the Committee, for allocation of time. The same is circulated amongst the members of the Committee.

In the initial years, the Committee used to meet as and when requested for the allocation of time for Government legislative and other business. As per the present practice, ordinarily, the Committee meets on the first day of the session itself and then on Thursday every week during the session.

The Committee's weekly meetings started since November 1977. On 12 March 1981 it was suggested that the meetings should be held every Wednesday.<sup>70</sup> On 25 March 1985, it was decided that (i) meetings of the Committee be held every Thursday when the House was in session; and (ii) on the opening day of every session.<sup>71</sup>

The decisions of the Committee are incorporated in the minutes of the Committee which are circulated to members of the Committee as also the special invitees and other members who were present at the meeting of the Committee.

While considering the allocation of time to various items of business, the Committee takes into account such factors as (i) the volume and significance of a Bill; (ii) the general desire and interest of members in a subject; (iii) the time taken for similar matters in the past or in the other House; (iv) the need and urgency of a measure to be disposed or discussed expeditiously or otherwise and (v) the total time available at the disposal of the House.

At a meeting of the Business Advisory Committee held on 23 July 2009, the Chairman suggested allocation of the speaking time of individual members as also its regulation during the debates in the House. The Chairman pointed out that it is difficult for a Presiding Officer to regulate the time-limit for a member's speech as full list of intending participants is not available at the commencement of a debate. After some discussion, the Committee agreed with the suggestion of the Chairman that members who wish to speak in a debate should give their names to the Table Office not later than 30 minutes prior to the commencement of a debate.

At a meeting of the Business Advisory Committee held on 16 July 2009, the Chairman suggested that only those matters which arise during the period after the conclusion of the previous day's sitting might be permitted to be raised during the Zero Hour. After some discussion, the Committee agreed with the suggestion of the Chairman, which was based on the recommendations of the Committee of Presiding Officers, the report of which was presented at the Conference of Presiding Officers of Legislative Bodies in India held in Kolkata on 10 October 2004.

At a meeting of the Business Advisory Committee held on 22 April 2010, the Chairman suggested that the Government may consider bringing out a parliamentary calendar indicating the date of commencement and adjournment of the House during the year, *i.e.*, fixing the period of various sessions of Rajya Sabha, for advance intimation of members and ministers.

At a meeting of the Business Advisory Committee held on 7 March 2013, the Chairman observed that large number of names of members are added in the speakers' list after the commencement of discussion leading to problem in time management. He suggested that leaders of respective parties should ensure that members who wish to participate in a debate should give their names 30 minutes prior to the commencement of a debate and it should be strictly adhered to.

#### *Report of the Committee regarding allocation of time*

##### (a) Provision in the rules

The allocation of time in regard to a Bill or other business as recommended by the Committee is required to be reported by the Chairman, or in his absence, by the Deputy Chairman to the House and notified in the Bulletin.<sup>72</sup> As soon as may be, after the report has been made, a motion may be moved by the Deputy Chairman or in his absence by any other member of the Committee designated by the Chairman "that this House 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 House, it takes effect as if it were an order of the House. To such a motion, an amendment may also be moved that the report be referred back to the Committee either without limitation or with reference to any particular matter. Not more than half-an-hour may be allotted for the discussion of such a motion and no member can speak for more than five minutes thereon.<sup>73</sup>

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 has the power to forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.<sup>74</sup>

No variation in the Allocation of Time Order can be made except by the Chairman, who may make such variation, if he is satisfied after taking the sense of the House that there is a general agreement for such variation.<sup>75</sup>

(b) Established procedure and practice

The above procedure, however, is not followed in actual practice almost since inception. As per the well-established practice, the recommendations of the Committee are reported to the House by the Chair in the form of an announcement generally on the same day on which the sitting of the Committee is held (or the next day). The announcement is notified in the Parliamentary Bulletin Part-II of that day. The announcement is treated as final and no formal motion in respect thereof is moved.

At its very first meeting held on 5 August 1952, the Committee, *inter alia*, allotted time for certain Bills and a private member's resolution. The Committee agreed that while the Chairman might generally adopt the programme settled by the Committee, no formal report to the House as contemplated in the then rule 28E (corresponding to the present rule 34) or Allocation of Time Order was necessary. However, in regard to the Preventive Detention (Second Amendment) Bill, 1952, the Committee had proposed a detailed time-table for the various stages of its discussion. The Chairman designated a member of the Committee to move the motion in respect of the Allocation of Time Order for that Bill.<sup>76</sup> The Chairman announced in the House the Time-table as advised by the Committee and stated at the end "I hope hon'ble members will find this arrangement to be quite satisfactory."<sup>77</sup> No formal motion was moved.

However, on 14 April 1955, after the Allocation of Time was announced by the Chairman, the Deputy Chairman moved a motion: "That this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to Government business as announced by the Chairman today." The motion was adopted.<sup>78</sup>

At its ninth meeting held on 23 August 1955, the Committee recommended that no motion regarding the allocation of time as proposed by the Committee need be moved in the House. The allocation of time would, however, be announced by the Chairman in the usual manner to the House and a Bulletin would also be issued.<sup>79</sup>

(c) Objection to the practice

On a number of occasions, points have been raised regarding the practice of the House and the provisions of the rules in respect of allocation of time by the Committee.

On 29 August 1966, points were raised as to whether the rule was being followed, (regarding motion agreeing with the Committee's

recommendations) in the context of the announcement of the Deputy Chairman that the Business Advisory Committee had allotted an hour for consideration and passing of the Appropriation (No. 3) Bill, 1966. A member suggested that the desire of the House should be ascertained by a formal motion whether the House wished to conform to the existing practice or the existing practice should be modified and brought in accordance with the rule. The Deputy Chairman observed:

...There is a rule which is not in practice. There is such a thing as the letter of the law and there is such a thing as a convention or practice that we have established for so many years. We have not followed a set rule that we should bring a motion. We have followed the other practice of announcing...because we have found it satisfactory to all sections of the House and the Chair is also able to use his own discretion. If a formal motion is moved and adopted, then it will become very rigid and if it is laid down that the time is one hour, then it will be one hour and no more. The Chairman may not use his discretion. The Chairman cannot use his discretion on such occasions if it is in the form of a formal motion. Therefore, I leave it to the sense of the House whether hon'ble members want the rigid thing, whether the Chairman will stick to the minute and observe the time and strictly observe the letter of the law or whether you want the present practice to continue which has been working in a very satisfactory manner. I am in the hands of the House. If the House wants to decide that we should have a formal motion then this matter can go to the Chairman to be put right.

The Leader of the House (Shri M.C. Chagla) agreeing with the observations of the Deputy Chairman added:

If we bring in a formal resolution before the House then there will be long and acrimonious discussions and there will be more rigidity in the working out of the programme. Therefore, I would beg of the House to let this present practice continue. I do agree...that...after formal announcement is made of what the Business Advisory Committee had decided, it is open to the Chairman to extend and adjust the time in order to see that there is sufficient time for a particular item. When the Chair finds that the time is not sufficient, I am sure it will exercise its discretion and extend the time. Therefore, I would appeal to the House not to interfere with or disturb the present practice.<sup>80</sup>

On 8 March 1966, the matter again cropped up in the context of the Committee's recommendation of converting private members' day into Government business day. A member contended that the announcement made in the House did not conform to the requirements of rule 35, inasmuch as no motion was moved and the recommendation normally

had to be endorsed by the House, all the more so when the business was fundamentally altered, that is, private members' day into a Government business day.<sup>81</sup>

On 25 November 1966, when the Chair announced about allocation of time for Government and other business as recommended by the Business Advisory Committee, a point was raised for dropping a Bill. The Deputy Chairman ruled that it could not be done; it was for the House to decide whether the existing convention should be followed or a formal motion contemplated in the rule should be moved.<sup>82</sup>

On similar points being raised after the announcement, the Chairman put it to the House for ascertaining the consensus whether the Committee's recommendations were accepted.<sup>83</sup>

When a member raised a point of order (after the announcement of the Business Advisory Committee's recommendations) that there should be a proper motion, the Deputy Chairman observed:

It is for the convenience of the members and of the House that this procedure was adopted...because when we adopt a motion fixing two hours for discussion of a certain thing, two hours will mean two hours only...sometimes we take three hours or four hours at the discretion of the Chair and of the House. So, it is only to facilitate a proper discussion of things that this procedure was adopted.<sup>84</sup>

The matter that the recommendation of the Business Advisory Committee should be approved was raised again on 8 December 1978. The Vice-Chairman ruled that as per the practice, there was no motion and no amendment was allowed and only the Chair informed about the recommendations of the Committee.<sup>85</sup>

Once at a meeting of the Business Advisory Committee, the Secretary-General apprised the Committee of the various points being raised by members in the House in regard to the practice of announcing the recommendations of the Business Advisory Committee and sought the Committee's guidance. After some discussion, the consensus was that the existing practice should continue.<sup>86</sup>

(d) Views of the Committee on Rules

The Committee on Rules considered a suggestion that the procedure prescribed in rule 35 should be followed (*i.e.*, adoption of a motion of the allocation of time). The Committee was of the view that the practice of announcing the recommendations of the Business Advisory Committee in the House was working satisfactorily and should be continued. The Committee was also of the view that the Chairman might, in appropriate cases, designate a member of the Business Advisory Committee to move a motion as contemplated by rule 35.<sup>87</sup>

### *No announcement of allocation of time*

On occasions, the Committee may recommend that no announcement regarding allocation of time made by it to Government or other business be made.

At a meeting of the Committee held on 23 August 1966, the Committee allocated time for certain items of Government and private members' business. It also allocated time for additional items but decided that announcement regarding allocation of time for the additional items would not be made for the time being.<sup>88</sup>

At a meeting of the Committee held on 15 December 1978, the matter regarding providing time for discussion of a no-day-yet-named motion regarding allegations against family members of the then Prime Minister and the then Home Minister was discussed. Since no allocation of time was made at the meeting for any Government legislative and other business, the Committee was of the opinion that no formal announcement in this respect be made in the House.<sup>89</sup>

At a meeting of the Committee held on 18 August 2011 and 2 May 2013, no time was allocated for items of Government business. Hence, no announcement in this respect was made in the House.

### *Nature of Committee's recommendations*

The recommendations of the Business Advisory Committee are only recommendatory and any subject recommended for discussion by the Committee is subject to other rules applicable in the case.

On 6 May 1958, the Deputy Chairman announced the recommendations of the Business Advisory Committee. One of the items recommended for discussion was flood situation. When the matter did not figure in the list of business for three to four days, a member raised a point about its disappearance (with reference to the then rule 28H somewhat corresponding to the present rule 37). The Deputy Chairman ruled:

The recommendations of the Business Advisory Committee are only recommendatory and are subject to other rules of business. Since the discussion was on the basis of a motion, the Chairman had to fix the time in accordance with the rules. The rules do not say that because it is included in the Business Advisory Committee's recommendations, it must be taken up.<sup>90</sup>

## **Committee on Petitions**

### *Petitions*

The concept of petitioning for redressal of grievances finds an indirect recognition in the Constitution which provides that every person shall be entitled to submit a representation for the redressal of any grievance to

any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.<sup>91</sup> Chapter X of the Rules of Procedure and Conduct of Business in the Rajya Sabha contains rules for the presentation of petitions by the people and their consideration by a Committee of the House specially set up for the purpose.<sup>92</sup>

#### *Scope of petitions*

Petitions may be presented or submitted to the Rajya Sabha with the consent of the Chairman<sup>93</sup> on a Bill which has been published or which has been introduced or in respect of which notice of a motion has been received;<sup>94</sup> or on any other matter connected with the business pending before the House,<sup>95</sup> or on any matter of general public interest,<sup>96</sup> provided that it is not one which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of inquiry or a statutory tribunal or authority or a *quasi* judicial body, or a commission, or which raises matters which are not primarily the concern of the Government of India, or which can be raised on substantive motion or resolution, or for which remedy is available under the law, including subordinate legislation (*i.e.*, rules, regulations, or bye-laws made by the Central Government or by an authority).<sup>97</sup> Generally, before the Chairman consents to the presentation or submission of the petition to the Council, it is examined, if necessary, after obtaining comments of the Government, whether the subject-matter falls *prima facie* within the permitted scope.

#### *General form of a petition*

A petition has to be submitted in a prescribed form. The general form of a petition is set out in the First Schedule to the Rules of Procedure and Conduct of Business in the Rajya Sabha and may be used with such variations as the circumstances of each case require and when it is so used, it is considered sufficient.<sup>98</sup> As may be seen from the form, a petition should be formally addressed to the Rajya Sabha, should contain the name and designation or description of the petitioner(s) in concise form, a concise statement of the case of the petitioner(s) and should conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates<sup>99</sup> (*e.g.*, 'that the Bill be or be not proceeded with' or 'that special provision be made in the Bill to meet the case of the petitioner(s)' or any other appropriate prayer regarding the Bill or matter pending before the House or a matter of general public interest). Every petition should be couched in respectful and temperate language. Every petition has to be either in Hindi or in English. If a petition is made in any other language, it is required to be accompanied by translation either in Hindi or in English and signed by the petitioner.<sup>100</sup>

The Secretary had received nine petitions on the Hindu Succession Bill, 1954, in Telugu language. The matter was reported to the House on 28 November 1955. The Committee considered the petitions and directed circulation of its English translation *in extenso* as a paper to the Bill.<sup>101</sup>

The full name and address of every signatory to a petition has to be set out in the petition and has to be authenticated by the signatory, if literate by his signature and if illiterate by his thumb impression.<sup>102</sup> Letters, affidavits or other documents should not be attached to any petition.<sup>103</sup> Every petition, if it is to be presented by a member, has to be counter-signed by him.<sup>104</sup>

#### *Presentation of petition to the House*

A member who intends to present a petition to the House has to give an advance intimation to the Secretary-General of his intention to present a petition.<sup>105</sup> After receipt of such a petition, it is examined in the Secretariat to determine its admissibility in accordance with the rules relating to petitions. If the Chairman admits a petition, the member concerned is permitted to present the petition on a date convenient to him and the necessary entry is made in the list of business of the day for the presentation of the petition. The presentation item is listed immediately after papers to be laid on the Table.

A member of the Lok Sabha may give a petition to be presented in the Rajya Sabha by a member of the Rajya Sabha. For instance, a petition was presented to the Rajya Sabha signed by Shri Ram Kanwar Berwa, M.P. (Lok Sabha) regarding inclusion of Berwa Community in the list of Scheduled Castes.<sup>106</sup>

A member presenting a petition confines himself to a statement in the form: "I beg to present a petition signed by... petitioner(s) regarding..." as given in the list of business. No debate is permitted on this statement.<sup>107</sup>

#### *Report of a petition by Secretary-General*

The Rules of Procedure provide that a petition may be presented by a member or be forwarded to the Secretary-General.<sup>108</sup> In the latter case the fact is reported by the Secretary-General to the House. During early years of the Rajya Sabha, on many occasions, the Secretary had reported the petitions received by him to the House on Bills pending before it.

The Secretary reported the petitions on the Hindu Marriage and Divorce Bill, 1952 (total one hundred seventy-three petitions reported at various sittings);<sup>109</sup> the Indian Tariff (Second Amendment) Bill, 1954, as passed by the Lok Sabha and transmitted to the Rajya Sabha;<sup>110</sup> the Code of

Criminal Procedure (Amendment) Bill, 1955;<sup>111</sup> the Constitution (Fourth Amendment) Bill, 1954;<sup>112</sup> the Hindu Succession Bill, 1954 (nine petitions);<sup>113</sup> the States Reorganisation Bill, 1956 (total two hundred thirty-three petitions reported at various sittings);<sup>114</sup> the Lady Hardinge Medical College and Hospital Bill, 1959 (four petitions);<sup>115</sup> the Bombay Reorganisation Bill, 1960 (two petitions);<sup>116</sup> the Super Profits Tax Bill, 1963;<sup>117</sup> and the Punjab Reorganisation Bill, 1966 (two petitions).<sup>118</sup> Besides, the Secretary had also reported petitions (total four hundred reported at two sittings) on the Factories (Amendment) Bill, 1952, introduced in the Rajya Sabha by a private member, on 8 December 1952.<sup>119</sup>

### *Reference to Committee*

Every petition, after presentation by a member or reported by the Secretary-General, as the case may be, stands referred to the Committee on Petitions.<sup>120</sup>

### *Constitution of the Committee on Petitions*

The Chairman nominates, from time to time, a Committee on Petitions consisting of ten members.<sup>121</sup>

The Committee was constituted first time in 1952 with a Chairman and four other members. The membership of five continued till 1964 when it was increased to ten.<sup>122</sup>

The Chairman of the Committee is appointed by the Chairman, Rajya Sabha from amongst the members of the Committee. If the Deputy Chairman is a member of the Committee, he is appointed the Chairman of the Committee.<sup>123</sup> The Committee holds office until a new Committee is nominated.<sup>124</sup> Casual vacancies in the Committee are filled by the Chairman.<sup>125</sup> The quorum of the Committee is five.<sup>126</sup>

### *Functions*

Till the year 1964, petitions could be presented to the Rajya Sabha only with regard to (i) Bills which had been published in the Gazette of India or which had been introduced in the House or in respect of which notice of a motion had been received under the rules or (ii) matters connected with the business pending before the Rajya Sabha. The function of the Committee was thus limited. The Committee used only to recommend the circulation of the petitions *in extenso*<sup>127</sup> or in a summary form,<sup>128</sup> for the information of the members so that the members, if they so desire, pursue the points mentioned in the petition and influence the course of the Bill in the House. Since 1964, when the Rules of Procedure of the Rajya Sabha were revised, the scope of the Committee had been enlarged. Under the revised rules, petitions may be presented on any matter of general public interest also.<sup>129</sup>

Thus, the functions of the Committee are (i) to examine every petition referred to it;<sup>130</sup> and (ii) to report to the House on specific complaints made therein 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.<sup>131</sup>

#### *Functioning of the Committee*

In practice, the Committee orders the circulation to members, of those petitions which relate to Bills or matters pending before the House, *in extenso* or in summary form.

In respect of a petition reported by the Secretary on the Constitution (Fourth Amendment) Bill, 1954, the Committee found that the petitioner had cited several instances in support of his prayer and since those cases were pending in the Delhi High Court and the Supreme Court, those matters were *sub judice*. The Committee, therefore, directed circulation of a summary of the petition containing contents of some paragraphs and the final prayer of the petition as a paper to the Bill.<sup>132</sup>

The Committee in its seventh report had directed circulation of petitions on the States Reorganisation Bill *in extenso*.<sup>133</sup> Subsequent petitions received on the same Bill being similar to the earlier petitions, the Committee directed that they need not be circulated and only a report thereon be circulated to members.<sup>134</sup>

So far as the petitions on matters of general public interest are concerned, the Committee examines in depth the complaints and grievances contained therein, calls for formal comments from the relevant Ministries or Departments of the Government and examines witnesses, including the petitioners and the representatives of the Ministries or Departments concerned with the subject-matter of the petitions. If need be, the information may also be called for from the State Government concerned and the officials of the State Governments may also be examined by the Committee with the prior permission of the Chairman, Rajya Sabha.<sup>135</sup> The Committee may also undertake on-the-spot study tours to gain first-hand knowledge of the problem which is the subject of the petition.

The Chairman, Rajya Sabha issued, on 22 June 1976, the following direction to the Committee enabling it to frame rules for its internal working:

“The Committee on Petitions shall determine its own procedure in connection with all matters relating to the petition referred to it including implementation of recommendations contained in its report presented to the Council.”<sup>136</sup>

In pursuance of the direction, the Committee has framed its internal working rules which are as under:

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After the presentation of report on a petition to the House, the Secretariat circulates a copy of the petition to the members of the Committee for their information together with facts or comments on the petition, wherever obtained from the Ministry concerned.

When the date and time of a sitting of the Committee have been fixed, notice thereof along with the agenda is circulated to the members of the Committee.

The papers circulated to the Committee are treated as confidential and the contents thereof cannot be divulged to anyone without the permission of the Chairman of the Committee.

A member, who is not a member of the Committee, may be invited to attend a sitting of the Committee under the orders of the Chairman of the Committee but he is not entitled to vote.

A record of the proceedings of each sitting of the Committee is kept. The Secretariat prepares minutes of each sitting of the Committee. The fact that the evidence was given before the Committee is mentioned in the minutes of the relevant sitting. The minutes of each sitting of the Committee are circulated to the members of the Committee.

Where the Committee so directs, the facts of the case or comments of the Ministry concerned on a petition are obtained by the Secretariat and placed before the Committee for its consideration.

The Secretariat prepares draft report of the Committee containing its recommendations which are placed before the Committee for its approval.

As soon as possible, after presentation of the report to the House, copies thereof are circulated to the members of the House and the Ministries concerned. A copy of the report is also forwarded to the petitioner concerned. In case a petition is signed by more than one person, a copy of the report is forwarded to the first signatory to the petition only.

The Ministries have to furnish to the Secretariat, within a period of six months from the date of presentation of the report, statements showing action taken or proposed to be taken by them on the recommendations made by the Committee in its reports. The information so received, is placed before the Committee for consideration in the form of a memorandum.

Where any Ministry is not in a position to implement, or feels any difficulty in giving effect to a recommendation made by the Committee, the views of the Ministry are placed before the Committee, which may, if necessary, present a further report to the House, after considering the views of the Ministry in the matter.<sup>137</sup>

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### *Report*

The report of the Committee is presented to the House by the Committee Chairman or in his absence by any member of the Committee.<sup>138</sup> The report has to state the subject-matter of the petition, the number of persons by whom it is signed and whether it is in conformity with the rules (relating to petitions) and also whether circulation has or, has not been directed.<sup>139</sup>

In the case of petitions on the State Reorganisation Bill 1956, presented by some members, the Committee observed that some of them were not in proper form, not directly addressed and not properly worded. The Committee, therefore, felt that it would be sufficient to report the subject-matter of the petition. The Committee also observed that when any member presented a petition, he should take the trouble of scrutinising the petition himself.<sup>140</sup> Subsequent to this, more petitions were reported to the House by the Secretary and referred to the Committee. They were not circulated, since they were received late and the consideration of the Bill in the House was going to be concluded within a couple of hours. The Committee, however, only presented a report in respect of them.<sup>141</sup>

A petition relating to the Super Profits Tax Bill, 1963 was reported to the House by the Secretary. The Committee, on the examination of the petition, found that the same was not couched in respectful and temperate language. In view of this, the Committee decided that the petition need not be circulated.<sup>142</sup>

In respect of specific complaints made in the petition referred to it, the Committee after taking such evidence as it deems fit suggests remedial measures either in a concrete form applicable to the case under review or to prevent such cases in the future.<sup>143</sup>

As regard petitions on Bills pending before a Select Committee, the same are referred to that Committee.

In the case of petitions received on the States Reorganisation Bill, 1956, which were reported to the House by the Secretary, the Committee reported thereon and copies of the reports were forwarded to the members of the Joint Committee on the Bill.<sup>144</sup>

### *Representations*

The Committee on Rules at one time had agreed with a suggestion that the Committee on Petitions should also consider the representations, letters and telegrams from individuals or associations containing prayer for redress of grievances and recommended that the Chairman might consider issuing of necessary direction in this regard. However, later the Committee reconsidered the decision in detail and came to the conclusion that the

Committee on Petitions should function within the ambit of the existing provisions contained in the Rules of Procedure and its scope need not be widened to allow it to consider such petitions as were not covered by the Rules of Procedure, in view of the fact that there were other normal channels open for preferring such petitions. The Committee, therefore, in supersession of its earlier decision, was of the view that the Chairman need not issue any direction in this regard.

However, Chairman, Rajya Sabha issued a direction<sup>145</sup> on 1 July 2011 wherein it was provided that the Committee on Petitions shall take up consideration of representations, letters and telegrams from various individuals, associations, etc., which are not covered by the rules relating to petitions, but all representations/letters which are either anonymous or do not contain any specific request are not considered by the Committee and are to be filed in the Secretariat.

The Secretariat scrutinises all representations considered by the Committee and in cases where it is considered that the matter raised in the representation may be brought to the notice of the concerned Ministry/ Department, it is forwarded to that Ministry or Department for whatever action as may be deemed fit in the matter.

Representations against the conduct of members are also not admitted in view of the convention that the House does not permit outside interference in its internal procedural matters. Complaints against members of the House regarding their private conduct are placed before the Chairman and no further action is taken thereon.<sup>146</sup>

### **Committee of Privileges**

#### *Constitution*

The Chairman nominates, from time to time, a Committee of Privileges consisting of ten members.<sup>147</sup> The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee.<sup>148</sup> If the Committee Chairman is for any reason unable to act, the Chairman similarly appoints another Committee Chairman in his place.<sup>149</sup> If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as Committee Chairman for that meeting.<sup>150</sup>

As per convention established since 1958, the Deputy Chairman is always nominated as a member of the Committee and, therefore, he is appointed as the Chairman of the Committee. The Committee was constituted for the first time on 22 May 1952, and its first Chairman was Shri B. Pattabhi Sitaramayya.<sup>151</sup> The Chairmen of the Committee appointed subsequently were: Shri C.C. Biswas, Minister of Law and the Leader of the House;<sup>152</sup> and Shri G.B. Pant, Minister of Home

Affairs and the Leader of the House.<sup>153</sup> Since 1958,<sup>154</sup> the Deputy Chairman is being appointed as the Chairman of the Committee, continuously except in 1969-70 when Shri M.C. Setalvad was appointed the Chairman of the Committee.<sup>155</sup>

Casual vacancies in the Committee are filled by the Chairman.<sup>156</sup> The Committee holds office until a new Committee is nominated.<sup>157</sup> Usually, the Committee is reconstituted every year along with other parliamentary committees of the Rajya Sabha. The quorum of the Committee is five.<sup>158</sup>

### *Functions*

#### (a) Under the rules

When leave to raise a question of privilege is granted by the House, the House may consider the question and come to a decision or refer it to the Committee on a motion made either by the member who has raised the question of privilege or by any other member.<sup>159</sup> The House, as per the practice, usually refers questions of privilege to the Committee before arriving at a decision on the question raised.

The Chairman may also *suo motu* refer any question of privilege to the Committee for examination, investigation and report.<sup>160</sup> In such cases also the Committee's report is presented to the House and further action in the matter is taken in accordance with the decision of the House.

It is the duty of the Committee to examine every question of privilege referred to it, 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,<sup>161</sup> including some specific form of punishment to be awarded to the offender.<sup>162</sup> The Committee may also suggest the procedure to be followed by the House in giving effect to the recommendations made by the Committee.<sup>163</sup>

#### (b) Advisory functions

The Committee has also sometimes been required by the Chairman to advise on or address specifically to certain issues relating to the privileges.

The Committees of Privileges of both the Houses held joint sittings and presented a joint report on the question of procedure to be followed in cases where a member or an officer of one House was alleged to have committed a breach of privilege or contempt of the other House.<sup>164</sup>

The Committee was required to examine the aspect of privilege jurisdiction over a person who was not a national or citizen of India and the procedure to be followed in such cases and to report to the Chairman.<sup>165</sup>

The Committee was, *inter alia*, asked specifically to address itself to the question concerning the precise scope of article 79 of the Constitution and whether aspersions cast on the President could be termed as derogatory to the institution of Parliament so as to attract its privilege jurisdiction.<sup>166</sup>

The Committee has laid down the procedure to be followed in a case where a member of the House is requested to appear to tender evidence before the other House or a House of a State Legislature or a Committee thereof.<sup>167</sup>

The Chairman referred a matter arising out of an article in which certain reflections were cast on a member in a Bombay Weekly, to the Committee, for its views.<sup>168</sup>

On an occasion when allegations were made by a member against a Minister and the latter denied them and both of them agreed to prove their cases before a Committee, the Chairman referred the matter to the Committee "for advice as to what course of action should be adopted in the case".<sup>169</sup>

(c) Under the anti-defection rules

With the coming into force of the Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985, with effect from 18 March 1986, which were made by the Chairman under paragraph 8 of the Tenth Schedule to the Constitution, an additional function has been assigned to the Committee. The Chairman may, if he is satisfied, having regard to the nature and circumstances of the case, that it is necessary or expedient to do so, refer a petition regarding the disqualification of a member on ground of defection to the Committee for making a preliminary inquiry and submitting a report to him.<sup>170</sup>

*Powers*

The Committee has 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.<sup>171</sup> 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 is referred to the Chairman, whose decision is final.<sup>172</sup>

The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.<sup>173</sup>

A witness is summoned by an order signed by the Secretary-General and has to produce, subject to the condition mentioned above, such documents as are required for use of the Committee.<sup>174</sup> It is, however, in

the discretion of the Committee to treat any evidence tendered before it as secret or confidential.<sup>175</sup>

#### *Functioning of the Committee*

After a question of privilege has been referred to the Committee, it meets from time to time to consider the question.<sup>176</sup> A memorandum<sup>177</sup> or background note on the subject is prepared by the Secretariat for the consideration of the Committee. The memorandum/note sets out briefly the issue(s) involved, the facts of the case, and the law, practice and precedents having a bearing on the question before the Committee. This memorandum/note is circulated to members of the Committee along with the notice of the sitting at which the matter is to be considered by the Committee. The Committee may also ask the Secretary-General to have a memorandum prepared for its consideration on any specific point of fact or law involved in the matter.

In *M.O. Mathai's* case, the Secretary was requested to prepare for the information of the Committee a note setting out the law and precedents in other countries particularly, in U.K. regarding reflections on the House and its members.<sup>178</sup>

In another case the Secretary placed before the Committee the law and precedents in the context of a case of a police officer who visited a member's residence to question the member about disclosures he had made on the floor of the House.<sup>179</sup>

In yet another case, the Committee directed the Secretariat to study the precedents, cases, etc. if any, in the Commonwealth and other countries, where provision similar to article 79 of the Constitution existed, to enable the Committee to examine the constitutional questions referred by the Chairman.<sup>180</sup>

While examining the question of privilege, the Committee may hear the member who raised the question of privilege in the House<sup>181</sup> or permit him to explain his case in a written statement,<sup>182</sup> or hear any other member of the House to place his views before the Committee on the question of privilege under consideration<sup>183</sup> or may not hear him, if it is not necessary to do so.<sup>184</sup> It is the general practice of the Committee to give an opportunity to the person alleged to have committed a breach of privilege or contempt of the House, to submit his explanation to the Committee in writing and also in person, if needed. The Committee does not associate any person or body from outside, formally or informally with its deliberations. The Committee may, however, seek the assistance of the Law Minister or the advice of the Attorney-General on matters under its consideration, and request the former to attend the sittings of the Committee as a special invitee.<sup>185</sup>

In a case the Committee had sought the advice of the Minister of Law, who was invited to the Committee for the purpose, on the legal implications of the privilege matter arising out of certain allegatory statements made in an affidavit filed before a court of law.<sup>186</sup>

The Committee sought the opinion of the Attorney-General in matters such as (i) Parliament's power to impose a fine on a contemner;<sup>187</sup> (ii) the scope of article 79 and whether aspersions cast on the President could be termed as derogatory to the institution of Parliament so as to attract its privilege jurisdiction;<sup>188</sup> and (iii) jurisdiction of the Committee over foreign nationals for any breach of privilege or contempt of the House committed by them while in India.<sup>189</sup>

So far as the Committee's functioning while considering the question of disqualification of a member on ground of defection is concerned, the procedure followed by the Committee for the purposes of making a preliminary inquiry is generally the same as the procedure for inquiry and determination by the Committee on any question of breach of privilege of the House. The Committee does not come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such a member to represent his case and be heard in person.<sup>190</sup>

### *Report*

After a question of privilege has been referred to the Committee, the Committee has to consider the matter and make a report within the time fixed by the House.<sup>191</sup> The time is fixed in the motion itself or if the Chairman refers the question of privilege to the Committee, by the Chairman.

On 7 April 1967, the Chairman informed that the matter of arrest of a member was being referred to the Committee "with the request that they should submit their report before the end of the next session."<sup>192</sup>

On 7 September 1970, the House adopted a motion referring a complaint of breach of privilege to the Committee with instructions to report to the House "before the end of the next session".<sup>193</sup>

On 7 April 1971 also, the House adopted a similar motion referring another complaint to the Committee.<sup>194</sup>

Where the House has not fixed any time for the presentation of the report, the report is to be presented within one month of the date on which reference to the Committee has been made.<sup>195</sup> The House may, however, 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.<sup>196</sup>

A question of privilege arising out of certain writings contained in an affidavit filed before a court was referred by the House on a motion to the Committee on 1 May 1963. The Committee presented its preliminary report<sup>197</sup> on 16 December 1963, recommending grant of extension of time for presentation of the final report. The House adopted a motion on 17 December 1963, agreeing with the recommendation contained in the report on granting extension of time. The Committee presented the final report<sup>198</sup> on 7 December 1966.

On 7 April 1967, by an announcement made in the House the Chairman referred to the Committee a case of arrest of a member of the Committee with the request that it should report before the end of the next session (60<sup>th</sup> Session). As authorised by the Committee, the Committee Chairman moved a motion in the House on 23 June 1967, asking for extension of time for the presentation of the report by the end of the next session (61<sup>st</sup> Session). The motion was adopted. The report was presented on 14 August 1967 as the 61<sup>st</sup> Session came to a close on 18 August 1967.<sup>199</sup>

The complaint against Shri Ram Nath Goenka was referred to the Committee by the House on 7 September 1970, with instructions to report before the end of the next session (74<sup>th</sup> Session). The Committee was granted extension of time first upto the end of the 75<sup>th</sup> Session<sup>200</sup> and then upto the end of the 76<sup>th</sup> Session.<sup>201</sup> The Committee presented the report on 11 June 1971.<sup>202</sup>

The report of the Committee is signed by the Committee Chairman on behalf of the Committee.<sup>203</sup> In case the Committee Chairman is absent or is not readily available, the Committee can choose any other member to sign the report on behalf of the Committee.<sup>204</sup> As a matter of practice generally the oral evidence tendered before the Committee is not appended to the report of the Committee. However, written explanations or submissions, received in the case are appended to the report.<sup>205</sup>

No minute of dissent is appended to a report, but the Committee may mention in the report or minutes that a member expressed his dissent from the report or its findings or recommendations. The Committee has also permitted note(s) containing the views of member(s) being appended to the report.

In a case, the Committee stated in a paragraph that a member of the Committee did not agree with the majority view of the Committee. A note submitted by the concerned member expressing his disagreement was appended to the report.<sup>206</sup>

In another case, the Committee stated at the end of the relevant paragraph of the report that a particular member did not agree with that view but did not append the views of the dissenting member.<sup>207</sup>

The dissenting notes of three members of the Committee were appended to the nineteenth Report of the Committee on the question of punishment to be awarded to contemnors.<sup>208</sup>

The report of the Committee is presented to the House by the Committee Chairman or in his absence by any member of the Committee<sup>209</sup> duly authorised by it. The Committee, generally, fixes the date on which its report is to be presented.

#### *Consideration of report*

After the report has been presented to the House, the Committee Chairman or any member of the Committee may move a motion that the report be taken into consideration,<sup>210</sup> whereupon the Chairman may put the question to the House. 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.<sup>211</sup> An amendment may also be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.<sup>212</sup>

After the motion for consideration of the report has been carried, the Committee Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees, or agrees with amendments, with the recommendations contained in the report.<sup>213</sup> Generally, when the Committee recommends certain action to be taken by the House or procedure to be adopted in a particular respect, a motion is moved on that behalf for the decision of the House. The following are instances when the House has adopted motions in respect of reports of the Committee.

The Committee in its first Report, *inter alia*, recommended a procedure to be followed in respect of production of documents, etc. in the custody of the Secretariat, before a court, etc. The House adopted the report of the Committee.<sup>214</sup>

The Committees of Privileges of the Lok Sabha and the Rajya Sabha in their Joint Report to both the Houses on 23 August 1954, laid down the procedure to deal with cases when a member of one House committed the breach of privilege of another House. The Leader of the House moved a motion approving the recommendations of the Joint Sitting of the Committees.<sup>215</sup>

The twelfth Report of the Committee dealt with an issue of questioning of a member outside the House by police authorities in regard to disclosures made by that member in the House. To the motion that the report be taken into consideration, an amendment was moved: that the question which formed the subject-matter of the report be recommitted to the Committee.<sup>216</sup> The amendment was negatived.

Some other amendments were also moved to (i) substitute a word by another one; (ii) delete a sentence from the report; and (iii) add certain words. Thereafter, a motion was moved that the House agreed with the report subject to the amendments (agreed to earlier). Thereafter, another member moved an amendment that *for* the words “agrees with the report”, the words, “while agreeing with the report of the Committee directs the Home Minister to prepare a set of instructions for the guidance of the police officers who are investigating a criminal case and in that connection wish to make an enquiry from a Member of Parliament regarding any document divulged in a statement made in the House by him and to make a report to this House” be *substituted*. After the assurance of the concerned Minister, the amendment was withdrawn and the original motion was put to vote and adopted.<sup>217</sup>

The nineteenth Report pertained to a case where the principal author of a book, who was also its publisher, was found guilty of deliberately and repeatedly misrepresenting proceedings and action of Parliament in its book and therefore caused breach of privilege and contempt of the House. The Committee recommended that while the main author and publisher be sentenced to imprisonment the two co-authors be summoned to the bar of the House and reprimanded. To the motion moved by the Leader of the House that the report be taken into consideration, a member moved an amendment for recommitting to the Committee for reconsideration of its recommendations regarding imposition of punishment on the contemnors. The motion, as amended, was adopted. The Committee reconsidered the matter and presented another report (twentieth report) modifying its earlier recommendation regarding punishment. The Leader of the House then moved a motion for consideration of the twentieth Report. Thereafter, he also moved a motion that the House agreed with the findings contained in the nineteenth Report and recommendations contained in the twentieth Report.<sup>218</sup>

The Committee in its thirty-third Report considered and laid down the procedure regarding giving of evidence by a member of the House before the other House of Parliament or State Legislature or a Committee thereof. The report of the Committee was adopted by the House on a motion moved by a member of the Committee.<sup>219</sup>

There have been few occasions when the House has agreed<sup>220</sup> to the Committee Reports wherein it recommended punishment for a person found guilty of contempt of the House/breach of privilege. However, if the report is to the effect that no breach of privilege is involved<sup>221</sup> or committed,<sup>222</sup> or that no further action be taken by the House in the matter or that the matter need not be pursued further,<sup>223</sup> then no further proceedings are initiated. Other cases in which no further proceedings take place in the House following the recommendation of the Committee to that effect include

reports that an offender has regretted for the offence and tendered unqualified apology,<sup>224</sup> or that the House will serve or consult its own dignity if it proceeds no further in the matter,<sup>225</sup> or that no further time should be occupied in the consideration of the matter,<sup>226</sup> or that the matter be dropped,<sup>227</sup> or treated as closed and allowed to rest there,<sup>228</sup> or that it is not necessary to attach undue significance to the matter.<sup>229</sup>

### *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 House.<sup>230</sup>

In a case, the Chairman directed the Committee to stay consideration of a question of privilege referred to it by him till he considered the comments of the member involved.<sup>231</sup>

In another case, the Committee was specifically directed to address itself to certain points mentioned in the reference of the question to the Committee.<sup>232</sup>

In yet another case regarding disqualification of a member which was under the consideration of the Committee, the Chairman directed that the Committee need not proceed with the reference in view of the retirement of the member against whom the petition was made.<sup>233</sup>

### **Committee on Ethics**

Members of Parliament had on various occasions expressed themselves in favour of evolving an internal self-regulatory mechanism for enforcing ethical and moral values in public life. The formation of the Committee on Ethics in Rajya Sabha was a step in this direction.<sup>234</sup> The Committee on Ethics of Rajya Sabha was constituted by the Chairman, Rajya Sabha on 4 March 1997 to oversee the moral and ethical conduct of the members and to examine the cases referred to it with reference to their ethical and other misconduct.<sup>235</sup>

### *Constitution*

The Committee consists of ten members nominated by the Chairman from time to time. The Committee holds office until a new Committee is constituted. Casual vacancies in the Committee are filled by the Chairman.<sup>236</sup> The Chairman of the Committee is appointed by the Chairman, Rajya Sabha from amongst the members of the Committee. If the Chairman of the Committee is unable to act for any reasons, the Chairman may appoint another Chairman of the Committee in his place. However, 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.<sup>237</sup> Presence of five members out of the total ten members constitutes the quorum of the Committee.<sup>238</sup>

### *Functions*

The functions of the Committee may be categorised into two: (i) the core functions; and (ii) the functions that percolate from the provisions enshrined in the Act and rules.

The main functions of the Committee includes overseeing the moral and ethical conduct of members, preparing a Code of Conduct for members and to suggest amendments or additions to the Code from time to time, examination of cases concerning the alleged breach of Code of Conduct by members as also concerning allegations of any other ethical misconduct of members and tendering advice to members from time to time on questions involving ethical standards either *suo motu* or on receiving specific requests.<sup>239</sup> Notwithstanding anything contained in the rules, the Chairman, Rajya Sabha may refer any question involving ethical and other misconduct of a member to the Committee for examination, investigation and report.<sup>240</sup>

The Committee is also mandated to function as record keeper and overseer in respect of 'The Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004,' framed by the Chairman, in exercise of his powers conferred by sub-section (3) of Section 75A of the Representation of the People (Third Amendment) Act, 2002. Under the said rules, every elected member of the Rajya Sabha is required to furnish information regarding his/her assets and liabilities as well as the assets and liabilities of his immediate family members to the Chairman, Rajya Sabha within 90 days from the date on which he makes and subscribes an oath or affirmation. Also under the said rules, a Register of Declaration of Assets and Liabilities of Members is maintained and the information contained in the Register may be divulged to any person on receiving requests from him after written approval of Chairman, Rajya Sabha. The information from the Register is being provided under the relevant rules and also on the requests received under the Right to Information Act, 2005.

Under the Rules of Procedure,<sup>241</sup> the Committee is also mandated to maintain a "Register of Members' Interest" in such form as may be determined by the Committee which shall be available to members for inspection on request. Every member is required to declare in a prescribed Form, information on five pecuniary interests, viz. (i) Remunerative Directorship; (ii) Regular Remunerated Activity; (iii) Shareholding of Controlling Nature; (iv) Paid Consultancy; and (v) Professional Engagement<sup>242</sup>, Information maintained in the Register may be made available to a person with written

permission of the Chairman, Committee on Ethics after fulfilment of certain conditionalities mentioned in the Sixth Report of the Committee. Information from the Register is also being provided under the relevant rule and also on the requests being received under the Right to Information Act, 2005.

The Chairman, Committee on Ethics on 20 October 2011, had granted his permission to provide the information contained in the Register of Members' Interest on a request received under RTI Act and on the requests received under sub-rule (3) of rule 293 of the Rules of Procedure and Conduct of Business in the Council of States.

### *Powers*

The Committee has the 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. However, 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 is referred to the Chairman and his decision shall be final. The Committee may also summon a witness who shall have to produce such documents as are required for the use of the Committee. It is the discretion of the Committee to treat any evidence, oral or documentary, tendered before it as secret or confidential.

Any person may make a complaint to the Committee regarding alleged unethical behaviour or breach of the Code of Conduct by a member or incorrect information of a member's interest. The Committee may also take up matters *suo motu*. Members may also refer cases to the Committee. A complaint is to be addressed in writing to the Committee or to an officer authorised by it in such form and manner as the Committee may specify. Person making a complaint must declare his identity and submit supporting evidence, documentary or otherwise, to substantiate his allegations. The Committee does not disclose the name of the complainant if so requested and if the request is accepted by the Committee for sufficient reasons. A complaint based merely on an unsubstantiated media report is not to be entertained. The Committee does 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* is treated as final for the purposes of this rule.<sup>243</sup>

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 inquiry. If the Committee finds that there is *prima facie* case, the matter is taken up for examination and report. The Committee may also 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.<sup>244</sup>

Where the Committee finds 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 Council for a specific period; and (d) any other sanction determined by the Committee to be appropriate.<sup>245</sup>

The report of the Committee is presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.<sup>246</sup> After the report is presented, a motion in the name of Chairman of the Committee or any member of the Committee may be moved for consideration of the report.<sup>247</sup> 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.<sup>248</sup> After the motion for consideration of the report is 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.<sup>249</sup> 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.<sup>250</sup>

#### *Functioning of the Committee*

The Committee on Ethics in its first Report presented to the House on 8 December 1998 and adopted by it on 15 December 1999, after having deliberated on the 'Code of Conduct for Members' at length, came to a definite conclusion that a framework of Code of Conduct be prepared for the members of Rajya Sabha. The Committee in its fourth Report also considered the 'Code of Conduct for Members' and was of the view that the Code enumerated in the first Report was quite comprehensive and endorsed the same. It also identified five pecuniary interests, for which information has to be furnished by members for registration in the 'Register of Members' Interests'. The fourth Report of the Committee was presented to the House on 14 March 2005 and adopted by it on 20 April 2005.

The Committee also looked into the unethical conduct of a member. On 12 December 2005, a private channel telecast a programme titled 'Operation Duryodhan' where some Members of Parliament were shown receiving money for raising questions in Parliament. One of the members shown in the programme belonged to Rajya Sabha. The Committee in the first instance itself was of the view that there was violation of para (v) of the Code of Conduct which states that:

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Member should never expect or accept any fee, remuneration or benefit for a vote given or not given by them on the floor of the House, for introducing a Bill, for moving a resolution or desisting from moving a resolution, putting a question or abstaining from asking a question or participating in the deliberations of the House or a Parliamentary Committee.

The Committee, therefore, unanimously recommended that the said member be suspended from the House, pending the presentation of its final report on the subject. A paragraph regarding suspension of the member was published in the Rajya Sabha Parliamentary Bulletin Part-II dated 13 December 2005. Thereafter, the Committee undertook the detailed examination of the conduct of the member and finally in its seventh Report, presented and adopted on 23 December 2005, recommended his expulsion from the membership of the House as his conduct was derogatory to the dignity of the House and inconsistent with the Code of Conduct adopted by the House. Accordingly, the member was expelled from the House.<sup>251</sup>

Similarly, on 19 December 2005, another private channel telecast a programme titled 'Operation Chakravayuh' alleging improper conduct of some Members of Parliament in the implementation of the Members of Parliament Local Area Development (MPLAD) Scheme. Two members shown in the programme belonged to Rajya Sabha. This case was also referred to the Committee on Ethics by the Chairman, Rajya Sabha. In its eighth Report, which was presented to the House on 24 February 2006, the Committee on Ethics gave its recommendation with regard to these two members.

On the basis of facts and circumstances, after examining the cases separately, the Committee in one of the cases found the agency which shot the operation and the channel which telecast the operation had indulged in clearly unethical and probably illegal means to induce the member to accept the bribe. The agency that shot the operation had used decoys to entrap the member; offered repeated inducements; and made sweeping allegations against all Members of Parliament. The manner in which the programme had been presented by the broadcaster created an impression that the member was corrupt, whereas the tapes did not confirm it. The Committee found that the actions both of the investigating company and that of the broadcaster amounted to tarnishing the image of the member in the public eye without adequate cause and had done incalculable damage to the member's reputation.

The Committee, therefore, was of the view that the agency that shot the programme and the channel that broadcast the episode might have committed breach of privilege and contempt of the House and that of its members. "Since the Committee on Ethics does not have the mandate to

examine questions of breach of privilege, it decided not to look further into the matter.” Therefore, the Committee recommended that “the Chairman may consider referring the complaint of the member to the Committee of Privileges for further examination and report”.<sup>252</sup>

However, in the case of the second member after detailed examination, the Committee came to the conclusion that the conduct of the member amounted to violation of clause (i) and (xiv) of the Code of Conduct for Members of Rajya Sabha which stated respectively that:

- (i) Members must not do anything that brings disrepute to Parliament and affects their credibility;
- (ii) Members are expected to maintain high standards of morality, dignity, decency and values in public life.

The Committee also found that the member involved in this case had not only committed gross misdemeanour but by his conduct, he has also compromised the dignity of the House and its members and had acted in a manner which was inconsistent with the standards which the House is entitled to expect of its members. Since the member’s conduct had brought the House and its members into disrepute and had contravened the Code of Conduct for Members of Rajya Sabha, the Committee felt that he had forfeited his right to continue as a member. The Committee, therefore, recommended that the member be expelled from the membership of the House.<sup>253</sup> The Eighth Report of the Committee was adopted by the House on 21 March 2006. Accordingly, the member concerned was expelled from the House.<sup>254</sup>

Sub-rule (1) of rule 3 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004 *inter alia* casts an obligation on every elected member of Rajya Sabha to furnish information in respect of the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries, within ninety days from the date on which he makes and subscribes an oath or affirmation for taking his seat in the House. The definition of the term ‘dependent children’ as contained in explanation (v) to sub-section (5) of section 75A of the Representation of the People Act, 1951 applies to the said rule. A need was felt to amend this definition of the term ‘dependent children’ as there was no age bar to determine dependent children. The Committee in its ninth Report, presented to the House on 18 February 2009 recommended that definition of the ‘dependent children’ existing in explanation (v) to sub-section (5) of section 75A of the Representation of the People Act, 1951 be substituted with the one as assigned to it in the Central Civil Services (CCS) (Pension) Rules, 1972 in the context of payment of family pension.

According to the Committee, this definition appeared to be more rational and appropriate. It is also mentioned that the above said Report could not be adopted by the House. A decision was taken by the Hon'ble Chairman, Rajya Sabha that the Report could remain the property of the House and no action thereon being required to be taken.

### **Committee on Subordinate Legislation**

The Committee on Subordinate Legislation has been set up in the Rajya Sabha to scrutinise and report to the House 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.<sup>255</sup>

#### *Constitution*

The Committee was first constituted on 30 September 1964, by the Chairman, Rajya Sabha.<sup>256</sup> The Committee consists of fifteen members who are nominated by the Chairman.<sup>257</sup> The Committee holds office until a new Committee is nominated.<sup>258</sup> Casual vacancies in the Committee are filled by nomination by the Chairman, Rajya Sabha.<sup>259</sup> The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee.<sup>260</sup> If the Deputy Chairman, Rajya Sabha is a member of the Committee, he is appointed Chairman of the Committee.<sup>261</sup>

If the Committee Chairman is for any reason unable to act, the Chairman similarly appoints another member as Committee Chairman in his place.<sup>262</sup> If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as Chairman for that meeting.<sup>263</sup>

In order to constitute a meeting of the Committee, the quorum is five.<sup>264</sup> The Committee Chairman cannot vote in the first instance but in the case of equality of votes, he has to exercise a casting vote.<sup>265</sup>

#### *Powers*

The Committee has 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.<sup>266</sup> The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.<sup>267</sup> Subject to this, a witness may be summoned by an order signed by the Secretary-General and shall produce such documents as are required for use of the Committee.<sup>268</sup> It is in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.<sup>269</sup>

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### Functions

After a 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 House, the Committee in particular considers: <sup>270</sup>

- (i) whether it is in accordance with the provisions of the Constitution or the Act pursuant to which it is made;

While scrutinizing the Radiation Protection Rules, 1971, the Committee observed that a rule which gave power to the competent authority to grant exemption from the provisions of the Act was without legislative sanction of the Atomic Energy Act, 1962 under which the rules were framed.<sup>271</sup>

- (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt within an Act of Parliament;

In a case the Committee recommended that the provision regarding overriding effect of an Act on agreement should be made in and authorised by the statute and not by rules.<sup>272</sup>

While examining the Commissions of Inquiry (Central) Rules, 1972, the Committee objected to a rule which empowered the Commission or the Government to determine the travelling and other allowances, that might be paid to assessors, as there was no such provision in the Commissions of Inquiry Act, 1952. In fact, there was no specific provision in the Act for appointment of assessors. The Committee, therefore, recommended that these matters should more appropriately be specified and authorised in the statute itself rather than be provided in the rules.<sup>273</sup>

- (iii) whether it contains imposition of any tax or levy of any fee, etc.;

In a number of cases the Committee has objected to levy of fee, etc. by rules without any specific authorisation under the Act, under which they have been framed. For instance, the Committee pointed out that section 282 of the Cantonments Act, 1924, did not empower a Cantonment Board to levy any fee for the purpose of vaccination. The Committee observed: "In cases of fees, charges, etc. which the Committee has held not permissible under a statute, and for regularising which a statute would have to be amended, the Ministry should issue administrative instructions to authorities concerned, to suspend collection of such fees and charges."<sup>274</sup>

- (iv) whether it directly or indirectly bars the jurisdiction of the court;

Regulation 59 of the DDA (Management and Disposal of Housing Estates) Regulations, 1968 provided that the decision of the authority on a dispute would be final. The Committee felt that the regulation was likely to be construed as ousting the jurisdiction of courts of law in the disputes between the DDA and other parties, and the DDA Act, 1957, under which the regulation had been made did not authorise or empower to oust the jurisdiction of courts.<sup>275</sup>

- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

The Committee noticed that the Insecticides Rules, 1971, provided that they would come into force on 1 August 1971, whereas they were published only on 30 October 1971. Thus the rules had been given retrospective effect although the Act under which the rules were framed did not give any such authority.<sup>276</sup>

In another case, the Committee agreed with the opinion of the Attorney-General tendered to the Public Accounts Committee in 1970-71, in connection with exemption notification issued under the Central Excises and Salt Act, 1944 and the rules made thereunder to the effect that without a law empowering subordinate legislation to be operative retrospectively, no such legislation could have any retrospective effect.<sup>277</sup>

In yet another case, the Committee examined the issue of giving retrospective effect to FEMA regulations framed under the Foreign Exchange Management Act, 1999 by the Department of Economic Affairs, Ministry of Finance, wherein the Committee reiterated its earlier recommendations against giving retrospective effect to subordinate legislation. The Committee was assured by the Ministry that they would comply with the Committee's recommendations in this respect.<sup>278</sup>

- (vi) whether it involves expenditure from the Consolidated Fund of India or the public revenues;

The Medical Termination of Pregnancy Rules, 1972, provided, *inter alia*, for the constitution of Boards, whereas the Act under which the rules had been made did not specifically provide for setting up of such Boards. The Committee, therefore, felt that setting up of such Boards created a charge on public revenues by means of a rule.<sup>279</sup>

In another case, the Committee objected to a notification which empowered a Cantonment Board to impose a surcharge on showtax and authorised the Cantonment Board to make it over to the

State Government. The Committee obtained the opinion of the Attorney-General who held the notification as not legal and valid and the requirement of handing over the net proceeds of surcharge to State Government as equally bad in law.<sup>280</sup>

- (vii) whether it appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;

The Committee held that the DDA did not have power to make DDA (Issue and Management of Bonds) Regulations, 1970, as the Act under which they were made did not confer any such authority to do so. In the view of the Committee, it was an unexpected exercise of the power not envisaged or intended by the Act.<sup>281</sup>

- (viii) whether there has been undue delay in the framing of subordinate legislation;

The Committee has, from time to time, pointed out a number of cases where delay has taken place in making rules<sup>282</sup> or laying them on the Table<sup>283</sup> or non-framing of rules in time.<sup>284</sup>

The Committee has repeatedly expressed its concern over the delays in framing of rules/regulations under different Acts and has, therefore, recommended to complete the process of framing of subordinate legislation within a period of six months. If it is not possible to do so, the concerned Ministries/Departments should invariably inform the Committee of the reasons for delay and seek extension of time for completing the process. The Committee, however, has observed that in most of the cases, Ministries/Departments failed to ensure the framing of subordinate legislation within the given time of six months. They also did not approach the Committee for extension of time. In view of this, the Committee has recommended that in case the framing of subordinate legislations has been delayed, the concerned Ministry/Department should append 'a delay statement' along with the rules/regulations being laid on the Table of the House to inform Parliament about the exact reasons for such delays.<sup>285</sup>

The Committee while acknowledging the fact that lots of consultation goes into the drafting of specialised rules/regulations, the Committee expressed its hope that the administrative Ministry would complete the process of finalisation of rules within the stipulated time-frame.<sup>286</sup>

- (ix) whether there has been delay in the publication and laying of subordinate legislation.

The Committee has taken serious note of the fact that Ministries frequently cite the late receiving of printed copies of notifications from the Government Press as the reason for delay in laying of

rules/regulations/orders. It has advised that such situation be assessed well before time and arrangements made so that delays do not occur in future on account of delay in printing of notifications.<sup>287</sup> In some cases, the Ministries had cited “administrative reason” as ground for delay in laying the notifications. The Committee has refused to accept late receiving of printed copies of notifications, “administrative reasons” and time taken to complete procedural formalities, etc. as grounds for delay in laying of notifications. The Committee advised the Ministries to take proactive measure to avoid delay due to such reasons in laying of notifications.<sup>288</sup>

The Committee found that in several cases the delayed notifications were being laid with no statement explaining the reason for delay. The Committee felt that by not doing so, Ministries/Departments were evading Parliament’s instructions in this regard. Delayed laying of notifications, in fact, delays members right to get them modified/annulled by moving a motion in the House. The Committee has viewed it very seriously. The Committee, therefore, decided to summon Secretaries of the concerned Ministries for explaining the reason for delay in framing as also in laying of rules/regulations, etc. on the Table of House.<sup>289</sup>

The Committee observed that normally there is long gap between the date of notification of rules/regulations and their laying before Parliament. Since the rules/regulations come into force even before they are laid before Parliament, longer gaps in this regard are likely to have graver implications particularly if such a notification gets modified/annulled by moving a motion in the House of Parliament.<sup>290</sup>

As regards delays due to printing of notifications, the administrative Ministry of Government of India Press submitted before the Committee that Ministries/Departments, may take GSR and SO number from Government of India Press and prepare required number of cyclostyled copies for laying in Parliament without waiting for printed copies to be ready.<sup>291</sup>

- (x) whether for any reason, its form or purport calls for any elucidation;

The Committee has, for instance, made recommendations to modify rules (1) to provide appeal against the orders of subordinate authority;<sup>292</sup> (2) to make provision for penalty for breach of rules, wherever necessary;<sup>293</sup> (3) to provide for opportunity of being heard or making a representation to an aggrieved person;<sup>294</sup> (4) to record reasons for rejecting a matter;<sup>295</sup> (5) to provide for consultation with UPSC in certain matters in the recruitment rules;<sup>296</sup> (6) to provide for representation to a woman in an Advisory Committee for the Mica Mines Labour Welfare Fund;<sup>297</sup> and (7) to rectify defective orders.<sup>298</sup>

- (xi) whether the subordinate legislation framed involves excessive delegation or have some lacunae in drafting;

The Committee while examining the statutes and ordinances framed under the National Institute of Fashion Technology Act, 2006 observed that in some respects the necessary details as envisaged under the Act were not provided for in the subordinate legislations framed. In most cases where statutes/ordinances with full details were to be framed, the same had been converted into discretionary powers and further delegation had been provided. In the Committee's opinion, this further delegation was inappropriate and against the spirit of the Act. The Committee felt that no authority which has been delegated powers by Parliament to frame subordinate legislation can redelegate these powers to any authority or convert them as discretionary powers.<sup>299</sup>

The Committee while examining the AIIMS Regulations, 1999 was of the opinion that ambiguity, if any, in the rules leaves scope for discretionary powers. The Committee felt that if the rules were unambiguous and as per the letter and spirit of the Act, it would help increase transparency and also prevent unnecessary litigation.<sup>300</sup>

In another instance, the Committee expressed its opinion against the idea of providing for substantive powers under the 'Definition Clause' to be exercised subsequently through an administrative order (and not by formal notification) thereby avoiding parliamentary scrutiny by moving statutory motion for modification/annulment. The Ministry of Law and Justice also concurred with the Committee's view in this regard. Thereafter, the Committee directed the Ministry of Law and Justice and Department of Atomic Energy to take prompt action to rectify this infirmity and remove any ambiguity in the Atomic Energy Act, 1962 with regard to framing and laying of statutory orders on the Table of the House.<sup>301</sup>

The Committee also noticed that draft rules/regulations of certain statutory/autonomous organisations were not getting vetted by the Ministry of Law and Justice on the pretext that they have got their own legal officers for the purpose. The Committee recommended that administrative Ministries must ensure that the regulations in respect of such statutory/autonomous organisations have been properly vetted by the Ministry of Law and Justice.<sup>302</sup>

While examining certain regulations framed under the Dentist Act, 1958 the Committee found that these regulations were not in proper format. Numbering of regulations had not been done in orderly and uniform manner making it almost impossible to refer to any regulation with a definite number. The Committee, therefore, recommended that these regulations be redrafted and vetted by the Ministry of Law and Justice.<sup>303</sup>

Considering the scope of its functioning under the provisions contained in rule 209, the Committee found that only such orders as were required to be laid before Parliament and were so laid before the House could be examined by it and fell within the purview of scrutiny of the Committee. The Committee, however, felt that it should have the power to scrutinize not only the rules, regulations, bye-laws and statutory instruments, generally termed as 'orders' as were laid on the Table but all instruments of subordinate legislation in whatever form, whether framed in exercise of the powers conferred by the Constitution or delegated by Parliament and irrespective of whether they are laid before the House or not.<sup>304</sup> Accordingly, the Chairman, Rajya Sabha, under rule 266 issued the following directions in this regard:

- (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 therefrom.<sup>305</sup>

After the issue of the above mentioned directions, the Committee examined the All India Services (Laying of Regulations before Parliament) Bill, 1968, introduced in the Rajya Sabha on 21 March 1968, both in its form and content, since the Committee felt that "the Bill was of an unusual character in the sense that it was the first of its kind to be introduced in any legislature in India or in any case in Parliament. The proposed legislation involved a question of great importance from the point of view of delegated legislation and Parliament's control over it and...the Committee apprehended that the Bill was likely to serve as a precedent whenever it was discovered in future, that a statutory instrument required to be laid, had not been so laid on the Table."<sup>306</sup> The Committee went into the genesis of the Bill as well as its contents and made certain suggestions in respect thereof.<sup>307</sup>

In practice the Committee scrutinizes all 'orders' made by the Government of India or by any other subordinate authority ultimately responsible to the Government and which are published in the Gazette or laid on the Table. The Committee does not scrutinize the 'orders' which are made by the State Governments in exercise of the powers conferred on

them by an Act of Parliament (for instance, orders made under the Motor Vehicles Act or labour laws enacted by Parliament). Similarly, the Committee does not scrutinize the rules which are made by the Supreme Court under Article 145, by the High Courts under the Code of Civil Procedure, and the rules made by the President in consultation with the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha under Article 98(3) of the Constitution.

On an occasion, the Committee had decided that the rules framed under the regulations for certain Union territories made by the President under article 240 of the Constitution would be subject to its scrutiny. However, as such a regulation was treated at par with an Act of Parliament, the Committee felt that such a regulation could not come under the category of subordinate legislation.<sup>308</sup> Subsequently, when the Committee made a recommendation to give increased representation to women in the Dadra and Nagar Haveli (Administration) Regulations, 1988, promulgated by the President under article 240,<sup>309</sup> the Committee's attention was drawn to the earlier decision of the Committee not to scrutinize the regulations. The Committee, therefore, decided not to pursue the matter in respect of the regulation of 1988.<sup>310</sup>

However, on another occasion the Committee decided that rules framed under the regulations made by the President under article 240 of the Constitution will be subject to its scrutiny and the same will also be laid on the Table of both the Houses.<sup>311</sup>

On an occasion, the Committee had examined the Chief Election Commissioner (Conditions of Service) Rules, 1972, framed by the President under article 324(5) of the Constitution.<sup>312</sup>

The Committee, however, may examine a President's Act made in pursuance of State Legislature (Delegation of Powers) Act enacted by Parliament in respect of a State under the President's Rule,<sup>313</sup> since the Act makes provision for laying of the President's Act before both Houses of Parliament as well as makes provision for its modification or amendment by Parliament by a resolution.<sup>314</sup>

#### *Functioning of the Committee*

The Committee is empowered to determine its own procedure in respect of all matters connected with the consideration of any question of subordinate legislation in the Committee.<sup>315</sup> The Committee has framed a set of rules for its internal working.<sup>316</sup>

During the course of scrutiny of the rules, regulations and orders, if any point in regard to exercise of rule-making power by the subordinate authority arise, clarifications are sought from the concerned Ministry/ Department by the Secretariat.

The matter is then placed before the Committee in the form of a memorandum, containing the points referred to the Ministry and its comments thereon, along with the details of the provisions objected to and the grounds of the objections. The Committee considers the memorandum and comes to its own conclusion. If it is considered necessary, the representatives of the Ministry are called to appear before the Committee to be heard in person for seeking further elucidations. The observations and recommendations of the Committee on various points scrutinized by it, find place in its reports.

Another important function being exercised by the Committee is to monitor whether statutory rules, regulations and bye-laws which are required to be framed within six months from the date the Act/Statute came into force, have been framed. The cases where the rules, regulations, have not been framed within the prescribed time, the Secretariat invariably takes up matter with the concerned Ministries ascertaining the reasons for not framing of rules/regulations, etc. and advise them to approach the Committee for extension of time. In the specific cases of inordinate delay in framing of rules/regulation, the representatives of concerned Ministry may be called before the Committee to apprise the grounds for delay and measures being taken for framing as well as laying of rules/regulations expeditiously.

The Committee also examines and scrutinizes representations having a bearing on the rules and regulations and other delegated legislation, which are presented to it by various associations, institutions and private bodies. The Committee hears the representatives of such associations and institutions and seeks clarifications on the points mentioned in the representations and also seeks necessary clarifications from the Ministries/ Departments concerned before making its observations or recommendations.<sup>317</sup>

The Committee issued a press release to elicit views of educational institutions/organisations in regard to the Delhi School Education Rules, 1973 and also heard the views of individuals and institutions thereon.<sup>318</sup> On another occasion, the Committee issued a press release to invite views of various sections of people/agencies engaged in storage, supply, distribution, transportation and sale of motor spirit and high speed diesel on the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998.<sup>319</sup>

Although under the internal rules, the Secretariat examines the rules, prepares memoranda and does other spade work for and on behalf of the Committee, members of the Committee are not precluded from examining the orders themselves and giving suggestions. For this purpose, they are supplied with copies of all orders laid on the Table of the House from time to time.

Whenever any important legal issue arises out of an 'order' under examination of the Committee and if the Committee is of the opinion that legal opinion of the Attorney-General<sup>320</sup> and of the Law Ministry is necessary, such opinion is obtained and the Committee then takes a decision after considering the opinion of the Attorney-General or the Law Ministry.

#### *Constitution of sub-Committee*

The Committee may constitute a sub-Committee to study and scrutinize rules, etc.

On an occasion, the Committee had constituted a sub-Committee of seven members of the Committee so that "certain important rules should be deeply studied and scrutinized."<sup>321</sup>

#### *Study tours*

The Committee may also undertake study tour to any organisation for an on-the-spot study and for holding discussions with officials and representatives of the organisation about various aspects of 'orders' under the consideration of the Committee.<sup>322</sup> A study note prepared on the basis of the discussions held during the study visit is sent to the concerned Ministry for their comments.

#### *Report*

The Committee presents its reports to the House from time to time on various 'orders' examined by it or any other matter pertaining thereto. If the Committee is of the opinion that any 'order' should be annulled wholly or in part, or should be amended in any respect, it reports that opinion and the grounds thereof to the House.<sup>323</sup> If the Committee is of the opinion that any other matter relating to any 'order' should be brought to the notice of the House, it does accordingly.<sup>324</sup> It has been decided that the Committee will present a general report in each session on all the orders laid during the previous session, analysing the delays and other deficiencies. The Committee may also select specific orders for detailed study and report thereon.<sup>325</sup>

The report of the Committee is presented to the House by its Chairman or in his absence, by any member of the Committee<sup>326</sup> so authorised.

#### *Implementation of recommendations*

After the report of the Committee is presented to the House, its recommendations are communicated to the Ministries/Departments concerned for taking necessary follow up action thereon. The Ministries either accept the recommendations *in toto* and implement them or they accept and implement them partially and express their difficulties in giving effect to the rest. Sometimes, they do not accept the recommendations at all and forward their view-points/difficulties for the consideration of the Committee.

If the Committee is convinced with the difficulties/views expressed by the Ministry, it either modifies or drops the recommendations. In case the reply of the Ministry is not found satisfactory, the Committee pursues its recommendations. The Committee, from time to time, reports to the House about the implementation of its recommendations.

In order to ensure prompt action by Ministries/Departments on the recommendations made by it, the Committee has laid down the following time-bound procedure and issued directions to be followed by Ministries:

- (1) After a recommendation of the Committee is communicated to the Ministry, it should, within a month of such communication, intimate to the Committee the acceptance or otherwise of the recommendation.
- (2) In cases of accepted recommendations, or assurances and undertakings given to the Committee, the Ministry should implement them within three months from the date of intimation of the recommendations. In case where preliminary procedures like consultations with other bodies, inviting public comments, etc. have to be gone through under a statute or otherwise, this period may be extended by another three months.
- (3) In any case, all accepted recommendations should be implemented within six months.
- (4) In a case where the Ministry is definitely of the view that the period of six months is insufficient for finalisation of action, it should approach the Committee within three months of the date of intimation of the recommendation so that the Committee may consider its difficulties, if any.
- (5) In case the Ministry has some views to offer on recommendations or in case a recommendation could not be implemented for any reason, the Ministry should communicate the same to the Committee within three months.<sup>327</sup>

#### *General recommendations*

Some of the observations and recommendations of the Committee made from time to time which are of a general character and frequently referred to in connection with an 'order' are summarised below:

- (a) Time within which rules to be framed

Rules and regulations required to be made under a statute should be made as soon as possible but in no case later than six months from the date on which the statute comes into force.

To avoid delays Ministries could, to start with, frame broad but clear rules; they need not wait to frame all the rules on a particular subject in one go, especially when various authorities/bodies have to be consulted in the matter. Such rules could be amended or new rules added subsequently on the basis of experience. It is recognised that rules should be as perfect as possible, but this perfection should not be at the cost of expedition. The Ministries should also establish the practice that if rules are not framed within the period of six months, the Secretary or the Head of the Department at the Secretary's level should be informed accordingly who in turn should by means of a comprehensive note inform the Minister concerned and obtain his orders thereon. Such a note should invariably refer to the fact whether the particular matter had come within the knowledge or comment of a parliamentary committee or not.<sup>328</sup> In view of the time-limit prescribed above for making rules, the Ministries approach the Committee for grant of extension of time for framing rules and the Committee grants or does not grant the extension asked for after considering all aspects of the matter.<sup>329</sup>

(b) Previous publication of rules

A minimum period of thirty clear days from the date the draft rules are published in the Gazette should be given to the public to send their comments thereon, to ensure that the legal requirement of previous publication of the draft order is fulfilled both in letter and spirit.<sup>330</sup>

(c) Publication of rules in Official Gazette

Like all other laws, the delegated legislation ought not only to be certain but also to be ascertainable. Publication of such legislation is, therefore, a vitally important factor both for the protection of the public affected and for the purpose of keeping the Governmental agency in line with democratic principles.

Therefore, rules framed by Government should be published in the Official Gazette even though the statutes under which these are framed do not specifically provide for such publication.<sup>331</sup>

(d) Laying of rules on the Table

All statutes provide that rules made thereunder should be laid before both Houses of Parliament "as soon as may be" after they are made. There is no authoritative pronouncement to explain the meaning of that expression in connection with the laying of statutory instruments. Ordinarily, it would mean "within a reasonable time". Since laying before Parliament is one of the most effective ways of exercising control on delegated legislation, and there should not be any inordinate or unjustifiable delay in laying 'orders'

before the House, rules and orders were earlier required to be laid before the House (i) within a period of fifteen days after their publication in the Gazette, if the House is in session; and (ii) if the House is not then in session, within fifteen days after the commencement of the ensuing session.<sup>332</sup> Pursuant to the Committee's recommendation, the Ministry of Home Affairs has issued consolidated instructions in the matter *vide* its circular in 1980.<sup>333</sup>

Now every order required to be laid before the Houses should be laid (i) if the House is not in session, during the session, immediately following the date of publication of the order in the official Gazette and (ii) if the House is in session, on the date of publication of the order, during its continuance and in case the time lag between the date of publication and the date of the close of the session is less than 15 clear days, before the expiry of the session immediately following the said session. All the Ministries/ Departments of the Government of India should henceforth comply with this schedule in the matter of laying of the orders issued under various Acts of the Parliament on the Table of the Rajya Sabha.<sup>334</sup>

- (e) Laying of rules on the Table in case of a State under the President's Rule.

As regards the rules, orders, notifications, etc. relating to a State Government required to be laid before Parliament during the President's Rule, they may be laid within a period of thirty days of their publication.<sup>335</sup>

- (f) Model laying formula

The following formula for laying of statutory rules before both Houses of Parliament is incorporated in all legislations which provide for making of rules by the Central Government:

Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.<sup>336</sup>

(g) Laying of rules under article 309 of the Constitution

The Recruitment and Conditions of Service Rules are made by the Government either under article 309 of the Constitution or under various Acts of Parliament. Whereas the rules made under various Acts of Parliament are laid before Parliament, those made under article 309 are not normally laid. There is no reason why the rules made under article 309 of the Constitution should not be laid before Parliament. There have been some cases where the rules made under article 309 of the Constitution have been laid before Parliament. The Committee, therefore, strongly felt and recommended that in order to maintain a uniform practice all the rules made under delegated authority whether under various Acts of Parliament or under article 309 of the Constitution should be laid before Parliament. In case, however, if Government felt that the non-existence of the laying provisions in article 309 was the reason for not laying the rules made thereunder, the Committee recommended that article 309 of the Constitution be suitably amended, so as to ensure that all the rules made thereunder were laid before Parliament.<sup>337</sup>

(h) Retrospective effect to rules

If in a particular case, the rules have to be given retrospective effect due to any unavoidable circumstances, the Government should take immediate action to clothe it with legal sanction for the purpose; and even when a statute empowers giving of retrospective effect, the rule should be accompanied by an explanatory memorandum setting out therein the reasons and circumstances which necessitated giving of such retrospective effect.<sup>338</sup> Besides, care should be taken to ensure that nobody is adversely affected as a result thereof.<sup>339</sup>

(i) Use of proper and precise language while framing Rules/Regulations

While making rules the executive Ministries as also the Law Ministry should ensure the use of proper and precise language so that not many clarifications have to be issued. In the case of the subordinate legislation, the intention of the makers of the rules should be clear from the language used as there is no other way for the courts and others to know about it, as against in the case of primary legislation where it may be possible to know about the intention of the framers from the statement of 'objects and reasons' appended to the Bills at the introduction stage as also from the debates in the legislatures.<sup>340</sup>

(j) Uploading of Rules/Regulations/Orders on Websites

All the rules, regulations, etc. made under various provisions of Acts are published in the official Gazette and laid on the Table of the House.

The Committee observed that even after these rules and regulations have been laid, it is difficult for Members of Parliament and general public to get access to these notifications. In view of this, the Committee has recommended that such rules, regulations, etc. laid on the Table of the House should be invariably uploaded by the respective Ministries on their websites immediately on the same day they have been laid on the Table of the House.<sup>341</sup>

- (k) Delay in replying to communications sent to Ministries/Departments on behalf of the Committee

On receipt of a reference from the Committee, an acknowledgement should be sent within a week and be brought to the notice of Joint Secretary concerned, who should monitor the same to ensure that no undue delay is caused in sending comments, etc. The Joint Secretary shall be personally responsible for any undue delay in responding to the Committee. The comments should be sent preferably within a month. In case it is not possible to send comments within three months of the receipt of the reference in the Ministry, the Committee may be informed of the reasons for delay and specific request be made to the Committee for grant of extension of time. The comments and the request for extension of time, etc. should be sent by an officer not below the rank of Under Secretary. During the Committee's study visits, an officer not below the rank of Deputy Secretary conversant with the subject-matter of the discussion should be present to assist the Committee.<sup>342</sup>

### ***Processing of Statutory Motions***

1. To exercise parliamentary control over delegated legislation members have right to give notice for moving motion for amendment/annulment of the subordinate legislation laid on the Table of the House. For this purpose, a Bulletin Part-II indicating the details such as brief subject of rules, regulations, etc., date of laying, number and date of notification is circulated to members for their information on weekly basis during session.

2. Members can give a notice to move such a motion only after the rules, regulations, etc. are laid on the Table and their right to give notice for such a motion extends to one additional session immediately following the session in which the period of 30 days of its laying is completed. While calculating period of laying, inter-session period and all holidays are excluded, and only sittings days are taken into consideration. The Committee in its 5<sup>th</sup> Report recommended to modify the existing laying formula as under:-

- (i) The statutory period of 30 days might be completed in one session or two or more successive sessions; and

- (ii) The right to suggest modifications in the 'Order' should extend to one additional session immediately following the session in which the period of 30 days is completed.<sup>343</sup>

Accordingly, the Committee approved the draft revised formula for laying of statutory rules before both Houses of Parliament which the Ministry of Law and Justice proposed to incorporate in all future legislations that provide for making of rules by the Central Government.<sup>344</sup>

The Committee also recommended that the revised formula should be incorporated not only in new legislation but also in the existing Acts as and when Bills to amend them are brought before Parliament. The Ministry should also incorporate the new formula in the Bills pending before Parliament.<sup>345</sup>

The issue of time-frame of moving a motion for annulment/modification again came up for consideration on a Notice for modification moved by Shri K.N. Balagopal, M.P., on the Airport Authority of India (Major Airports) Development Fees Rules, 2011. The matter was referred to the Legislative Department, Ministry of Law and Justice which concurred with the recommendation of the Committee.<sup>346</sup>

The notice of the member indicating his intent to move motion for modification/annulment must be in such form, as the Chairman may consider appropriate and should be addressed to the Secretary-General. Such a notice is, thereafter, processed by the Committee Section (Subordinate Legislation) and if the motion is admitted, it is published in Parliamentary Bulletin Part-II. Subsequently, the Chairman, in consultation with the Leader of the House, fixes the date and time for consideration of the motion by the House, which is then listed in the list of business for that date in the name of the member(s) who had given the notice. Notice(s) on similar issue can be clubbed together.

On the date and time allotted, the concerned member who has given the notice of motion moves the amendments or its annulment and other members may, with the permission of the Chair, also participate. Thereafter, the Minister concerned intervenes giving the viewpoint of the Government after which the mover of the motion has a right to reply. Thereafter, the Chairman puts the motion for decision of the House.

The motion, if adopted by the Rajya Sabha, is transmitted to the Lok Sabha for concurrence. In case of concurrence, it is reported back to the Rajya Sabha and the Ministry is informed of the decision of the Parliament and the rules/regulations stand modified or annulled as the case may be. However, in case the motion is not carried in either House, the rules/regulations remain unaffected.

In case of notifications laid on the Table, even if the parent Act does not contain laying provisions, the member's right to move a motion for modification/annulment cannot be taken away on the plea that the parent Act did not provide for its laying. This position was clarified on a notice submitted by Dr. V. Maitreyan, MP for moving a motion for annulment/modification of the Delimitation of Council Constituencies (Tamil Nadu) Order, 2010 issued under the Tamil Nadu Legislative Council Act, 2010.<sup>347</sup>

In another instance Shri K.N. Balagopal, M.P. through his letter requested the Chairman, Rajya Sabha to take measures to bring the Civil Liability for Nuclear Damage Rules, 2011 under the scrutiny of Parliament. He also mentioned his three attempts to move a motion for amending the said rules, which failed due to one or the other reasons. The member expressed his concern about not being able to move the statutory motion despite his repeated attempts mainly on account of situation beyond his control. He argued that in this kind of a situation, rules, regulations, etc. made by the executive will pass through without parliamentary scrutiny and the member's right to move a motion for amending the rules/regulations/order, etc. will remain on paper only. He, therefore, requested the Chairman, Rajya Sabha to look into this matter to ensure scrutiny of subordinate legislation by Parliament. The Chairman, Rajya Sabha referred the matter to the Committee on Subordinate Legislation to consider the issues raised by Shri K.N. Balagopal, as the notice period for moving a motion was already over at that time. The Committee had already taken up the said rules for detailed examination.<sup>348</sup>

### **Committee on Government Assurances**

#### *Genesis*

In the course of replies to questions or during other proceedings of the House, Ministers give assurances, promises or undertakings on the floor of the House. A Minister may, for instance, promise to consider a matter, assure that he would enquire into a certain matter or undertake to furnish the information required by the House later. The Committee on Government Assurances has been set up to take stock of a follow-up action of implementation of such assurances, promises or undertakings. The Committee was constituted for the first time in the Rajya Sabha on 1 July 1972, following the recommendation of the Committee on Rules. While recommending the setting up of such a Committee, the Committee on Rules took note of the then existing arrangement with regard to the assurances given by the Ministers on the floor of the Rajya Sabha. The procedure was that the Department of Parliamentary Affairs pursued the matter with, and collected the necessary information from the Ministries/Departments concerned and the same was laid on the Table of the House

by the Minister of Parliamentary Affairs in due course. The first statement of action taken on assurances was laid on the Table of the Rajya Sabha on 5 August 1952.<sup>349</sup> This practice was considered ineffective because it left “the entire thing to the sweet will of the Ministries”. Hence the need was felt for the Committee of the Rajya Sabha.<sup>350</sup>

### *Constitution*

The Committee consists of ten members who are nominated by the Chairman.<sup>351</sup> The Committee holds office until a new Committee is nominated.<sup>352</sup> Casual vacancies in the Committee are filled by nomination by the Chairman.<sup>353</sup> In order to constitute a meeting of the Committee, the quorum is five.<sup>354</sup>

The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee.<sup>355</sup> If the Deputy Chairman is a member of the Committee, he is appointed the Committee Chairman.<sup>356</sup> If the Committee Chairman is for any reason unable to act, the Chairman may similarly appoint another Committee Chairman in his place.<sup>357</sup> If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as the Committee Chairman for that meeting.<sup>358</sup> The Committee Chairman cannot vote in the first instance but in the case of an equality of votes on any matter, he has to exercise a casting vote.<sup>359</sup>

### *Functions*

The functions of the Committee are to scrutinize the assurances, promises, undertakings, etc. given by the Ministers, from time to time, on the floor of the House 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.<sup>360</sup>

### *Powers*

The Committee has the power to require the attendance of persons for the production of papers or records, if such a course is considered necessary for the discharge of its duties.<sup>361</sup> The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.<sup>362</sup>

In a case the Committee called upon the Government to furnish certain documents. The concerned Minister in a communication to the Committee Chairman requested for granting exemption for non-disclosure of the documents in the interest of the State. The Committee Chairman in his briefing to the Committee observed that

for withholding the information from the Committee, the Government took recourse to the most exceptional provision available under the Rules of Procedure and Conduct of Business in the Rajya Sabha. The Committee, however, felt that the production of such documents would not in any way be prejudicial to the interest of the State and, therefore, requested the Government to review its decision and furnish the information. But the Government after considering the matter again stuck to its original stand of not parting with the papers. The Committee was informed by the Secretary of the concerned Department that “the matter was considered by the Minister of State and the Cabinet.” The matter rested, with the Committee observing:

It is thus evident that the decision not to part with the documents was taken at the highest level of the Government. The Committee regret to differ from the Government on the issue of withholding the relevant documents. It is all the more regrettable that the executive privilege has been claimed by the Government on matters which are not sensitive, let alone compromising with the interest of the State.<sup>363</sup>

Subject to the above, 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.<sup>364</sup> It is in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.<sup>365</sup>

#### *Functioning of the Committee*

The Committee determines its own procedure in respect of all matters connected with the consideration of any question of assurances, promises, undertakings, etc. in the Committee. The Committee has laid down rules for its internal working.<sup>366</sup> The various procedural stages of the working of the Committee are as follows:

- (a) Culling out of assurances: The Secretariat goes through the verbatim record of the daily proceedings of the House to cull out assurances, etc., if any, on the basis of a standard list of expression, constituting assurances. This list of statement of assurances is checked with the statements which are received from the Ministry of Parliamentary Affairs. As per practice, in view of the Committee’s inherent power in treating any statement by a Minister as an assurance, the assurances culled out by the Secretariat which are not included by the Ministry of Parliamentary Affairs are included in the list of assurances and the Ministry of Parliamentary Affairs is informed to include the same in their list.
- (b) Decision as to whether a statement constitutes an assurance: All requests from Ministries/Departments of the Government of

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India for dropping of assurances including the request that a particular statement by a Minister may not be treated as an assurance are placed before the Committee for its consideration. The Committee Chairman has been authorised to scrutinize and grant extension of time for implementation of assurances in respect of cases where requests of the Ministries for such extensions from time to time do not exceed the period of one year.

- (c) Examination of statements showing action taken by the Government: The Minister of Parliamentary Affairs lays on the Table of the House, from time to time, statements showing action taken by the Government in implementation of the assurances, etc. These statements are examined with a view to identifying those assurances which do not appear either to have been fully or satisfactorily implemented, or where inordinate delay, considering the nature of the assurances, has occurred in its implementation. All such assurances are placed before the Committee for its consideration.
- (d) Preparation of memoranda: The Secretariat prepares memoranda on the various items to be considered by the Committee. The memoranda state briefly the assurance given by the Minister, action taken by the Government to implement the assurance, the extent to which it has actually been implemented and whether such implementation has taken place within the minimum time necessary for the purpose.
- (e) Sittings, etc. of the Committee: When the date and time of sitting of the Committee have been fixed, notice thereof along with the agenda is circulated to the members of the Committee in advance of the date of the meeting generally at their local address.

If considered necessary, the Committee summons Secretaries of the Ministries concerned to give evidence about the action taken by Government for implementing the assurances. In certain cases, the Committee Chairman may ask the representatives of the Ministries to appear before him to explain the progress made or difficulties being experienced by them in implementing an assurance pertaining to their Ministries.

The Committee also undertakes on-the-spot-study in order to ascertain the facts relating to the implementation of an assurance.

### *Report*

The report of the Committee is presented to the House by the Committee Chairman or, in his absence, by any member of the Committee. Apart from some specific cases of assurances, the report generally contains cases where the Government has taken considerable time in the implementation of assurances, requests for extension of time in implementation of assurances, assurances which do not appear to have been fully or satisfactorily implemented, review of pending assurances, and assurances which have been recommended for dropping. Since the Committee goes into all these aspects, generally no point in respect of an assurance such as, delay, etc. is permitted to be raised on the floor of the House.<sup>367</sup>

On an occasion, when a point of order was sought to be raised regarding delay in laying of an assurance statement on the Table, the Deputy Chairman ruled that the Committee would look into it and there was no need to take the time of the House on that score.<sup>368</sup>

### *Some important recommendations*

(1) In order that assurances, given by Ministers from time to time on the floor of the House are implemented as expeditiously as possible, the Committee has prescribed a time-limit of three months for their implementation by the Government, as any inordinate delay is likely to make some of the assurances, obsolete and by delayed implementation their significance is lost.<sup>369</sup>

(2) As regards treating certain statements as assurances even though they do not conform to the standard list of expressions constituting assurances, the Committee has clarified that the list is not exhaustive but only illustrative and an expression synonymous or analogous to an expression in the list or any other expression having the slightest semblance of an assurance will be treated as such. It is within the exclusive jurisdiction of the Committee to decide whether or not a particular reply constitutes an assurance and the Ministry/Department concerned is not competent to question such a decision.<sup>370</sup>

(3) Ministries should take all care and circumspection while formulating implementation statements so that the entire spectrum of issues involved in the assurance is covered and the main thrust of the information sought for in the question is not side tracked.<sup>371</sup>

In respect of dropping of assurances, the Committee has observed as follows:

- (a) Ministries should not approach the Committee in the matter on the plea that investigations will take considerable time or it is

not practicable to foresee how long it will take to fulfil an assurance.<sup>372</sup>

Many requests are received for dropping on the ground that the CBI has taken over the investigations. In such cases it has been decided that only after charge-sheets have been filed, the Committee will consider dropping an assurance concerning the matter. Till such time the Ministry should keep the Committee informed about the development in the matter.<sup>373</sup>

- (b) Merely informing the Committee that expeditious action is being taken in furtherance of the assurance is not substitute for, and does in no way wipe out, the imperative need for action in concrete terms to fulfil an assurance.<sup>374</sup>
- (c) The omnibus plea of public interest is by itself not a sufficient ground for not giving information needed to liquidate or drop an assurance.<sup>375</sup>
- (d) As regards requests from Ministries/Departments for dropping assurances on the ground that the Minister did not intend to give any assurance and that he simply stated the factual position available at the time of replying to a question, the Committee has observed, "An observation made by a Minister is viewed in a given context by way of giving information and is matched with the intention behind seeking such information. If on scrutiny of a given observation made by a Minister, it is found that information sought for by a member could have been furnished but for its timely non-availability, the intention to make the requisite information available subsequently is evident, such an expression of the intention becomes the concern of the Committee to follow up with the Ministry concerned for its concretisation."<sup>376</sup>
- (e) Ministries/Departments should desist from approaching the Committee for dropping of an assurance on flimsy grounds, more so in respect of those which have already been considered and not agreed to by the Committee. Requests for dropping of assurances should be made only in very genuine cases where it is practically not possible to fulfil them. It should be an exception and not a rule.<sup>377</sup>
- (f) If there are any genuine and practical difficulties in fulfilling the assurance within the stipulated period of three months, Ministries/Departments should make a reference direct to the Committee with a copy to the Ministry of Parliamentary Affairs,

giving specific reasons for the delay and the probable time required for fulfilling the assurance. Ministries/Departments should not approach the Ministry of Parliamentary Affairs directly for seeking extension of time.<sup>378</sup>

- (g) Ministries should scrupulously adhere to the jurisdictions defined by the Constitution of India and should not approach the Committee for dropping the assurance at a late stage on the grounds that the matter relates to a State subject.<sup>379</sup>

#### *Disagreement between Committee and Government*

In case of final disagreement of a serious nature between the Committee and the Government in respect of fulfilment of an assurance, the Committee may report the matter to the House.

Starred question no. 200 regarding admission to seats reserved for nomination in medical colleges was answered in the Rajya Sabha on 21 July 1982. In reply thereto the Minister concerned had stated that the allocation of seats for the 1982-83 session was yet to be done. The information was furnished in the implementation statement laid on the Table of the Rajya Sabha on 25 February 1983. However, specific information about the names of candidates nominated by Government in 1982, together with names, occupations and designations of their parents, as asked for in part (c) of the question had not been furnished in the implementation statement. The Committee took up the matter with the Government and also heard the Secretary of the Ministry of Health and Family Welfare. The Committee was informed that information was not available with the Government, the Committee reported accordingly.<sup>380</sup> The Committee also referred the matter to the Rules Committee to examine the desirability of making a specific provision in the Rules of Procedure to meet such eventualities. The Rules Committee, however, did not agree to the suggestion. It was of the view that in such cases the Committee might report the matter to the House and the question might thereafter be left to the determination of the House.<sup>381</sup>

#### *Standard list of expressions constituting assurances*

The Committee has approved the following standard list of expressions which are regarded as constituting an assurance:

The matter is under consideration; I shall look into it; enquiries are being made; I shall inform the hon'ble member; this is primarily the concern of State Government but I shall look into it; I shall write to the State Governments; I assure the House that all suggestions by hon'ble member will be carefully considered; I shall study the conditions on the spot during my tour; I shall consider the matter; I will consider it; I will suggest to the

State Government; we will put the matter in the shape of resolution; I shall see what can be done about it; I will look into the matter before I can say anything; the suggestion will be taken into consideration; the matter will be considered at the conference to be held on...; the matter is still under examination and if anything is required to be done it will certainly be done; the matter will be taken up with the Government of...; I have no information, but I am prepared to look into the matter; efforts are being made to collect the necessary data; the suggestion made will be borne in mind while framing the rules; if the hon'ble member so desires I can issue further instructions; copy of the report when finalised, will be placed in the Parliament Library; I shall supply it to the hon'ble member; I think it can be done; if the hon'ble member's allegation is true, I shall certainly have the matter gone into; we shall have to find that out; I will draw the attention of the...; Government who, I hope, will take adequate steps in this direction; it is a suggestion for action which will be considered; (Discussion on Railway Budget) all the points raised by various members will be considered and the result will be communicated to each member; information is being collected and will be laid on the Table of the Rajya Sabha; I am reviewing the position. Besides, directions by the Chairman, Deputy Chairman or the Vice-Chairman involving action on the part of Ministers and all specific points on which information is asked for and promised also come under the category of assurances, etc.<sup>382</sup>

#### *Computerisation of Assurances*

A client server-based software with web-enabled outputs containing all the relevant details relating to assurances, *i.e.*, assurance no.; question no. and date; subject; extent of assurance implemented; reasons for pendency; extension no. with date; search facility; date of laying of implementation reports and date of dropping of assurances, etc. has been developed to monitor the progress of implementation of assurances, and can be accessed at [http :1/172.16.11.99/cga/main.htm](http://172.16.11.99/cga/main.htm).

#### **Committee on Papers Laid on the Table**

##### *Introduction*

The papers which are required to be laid on the Table of the Rajya Sabha may be broadly classified as:

- (i) Reports required to be laid under the provisions of the Constitution, Acts of Parliament and rules, regulations, resolution/orders or papers laid in pursuance of the directions of the House or the Presiding Officer;

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- (ii) Reports of the Government companies established by specific Acts of Parliament or incorporated under the Companies Act, 2013;
  - (iii) Reports of societies or cooperatives financed by the Government, institutions or bodies which are funded by the Government or for which substantial grants are provided by the Government;
  - (iv) Reports of Joint ventures with the State Governments;
  - (v) Reports of Government companies under section 394 and 395 of the Companies Act, 2013;
  - (vi) Any other paper which ought to be laid on the Table of the House.

Considering the huge volume and variety of papers which are laid on the Table almost every sitting and the fact that papers to be laid on the Table are not available to members for scrutiny in advance, it is not always possible for members to exercise vigilance in respect of all the aspects of papers laid on the Table. The House by itself is also not in a position to give a closer scrutiny to each and every document laid on the Table. In that background a need was felt to constitute the Committee.

#### *Genesis*

The Committee on Rules considered a suggestion received from a member of the Rajya Sabha regarding the setting up of a Committee on Papers Laid on the Table. In support of the suggestion, it was mentioned that most of the reports were laid on the Table of the House after a lapse of years and it had become a general practice that the reports of the Commission for Scheduled Castes and Scheduled Tribes and those of the Union Public Service Commission for two to three years were taken up together for discussion.<sup>383</sup> However, before taking a final decision on the suggestion, the Committee on Rules directed that it be referred to the leaders of various parties/groups in the Rajya Sabha for eliciting their views.<sup>384</sup> As agreed to by the leaders, the Committee recommended that the Rajya Sabha should have such a Committee on the pattern of the similar Committee in the Lok Sabha.<sup>385</sup>

The second Report of the Committee on Rules which contained, *inter alia*, the Committee's above mentioned recommendation was presented to the Rajya Sabha on 22 May 1979. For nearly two years, the report was pending in the House; twice, a motion on the report of the Committee was included in the list of business<sup>386</sup> but for one reason or another the report could not be taken up for consideration and adoption.

This specific recommendation of the Committee came up for mention in the House on 22 April 1981, in the context of a point of order raised by a member (Shri Era Sezhiyan, who, incidentally, was the first Chairman of the Committee on Papers Laid on the Table in the Lok Sabha and also later became the first Chairman of the similar Committee of the Rajya Sabha) about an annual report of a Government company. Although it was an annual report it covered a period of six months only and there was a delay in regard to the auditing of the accounts of the company. Another member pointed out a discrepancy that whereas the English version of the report mentioned the period as April to September 1977, the Hindi version of the report gave the period as April to December 1977. A good deal of heat was generated on the issue in the House. It was suggested by Shri B.N. Banerjee, a member and former Secretary-General of the Rajya Sabha that the Committee should be constituted which would then examine these points. The Leader of the House promised to discuss the matter with the leaders of various groups in the Rajya Sabha.<sup>387</sup>

The report of the Committee on Rules was adopted on 24 December 1981 (the last day of the 120<sup>th</sup> Session of the Rajya Sabha) at 9 p.m. before the House was adjourned *sine die* that day. The amendments to rules were brought into force with effect from 15 January 1982.<sup>388</sup> The Committee was first constituted on 3 March 1982.<sup>389</sup>

### *Constitution*

The Committee<sup>390</sup> consists of ten members who are nominated by the Chairman.<sup>391</sup> The Committee holds office until a new Committee is nominated.<sup>392</sup> Casual vacancies in the Committee are filled by nomination by the Chairman.<sup>393</sup> In order to constitute a meeting of the Committee, the quorum is five.<sup>394</sup>

The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee.<sup>395</sup> If the Deputy Chairman is a member of the Committee, he is appointed Chairman of the Committee.<sup>396</sup> If the Committee Chairman is for any reason unable to act, the Chairman may similarly appoint another Committee Chairman in his place.<sup>397</sup> If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as Committee Chairman for that meeting.<sup>398</sup> The Committee Chairman cannot vote in the first instance but in the case of an equality of votes on any matter, he has to exercise a casting vote.<sup>399</sup>

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### Functions

After a paper is laid before the Rajya Sabha by a Minister, the Committee considers:

- (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 House and if so, (i) whether a statement explaining the reasons for such delay has also been laid before the House along with the paper, and (ii) whether those reasons are satisfactory; and
- (c) whether the paper has been laid before the House 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 House along with the paper, and (ii) whether those reasons are satisfactory.<sup>400</sup>

The Committee also performs 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.<sup>401</sup>

On 25 February 1987, when a number of notifications relating to customs and excise were being laid on the Table, the question of propriety of issuing them on the eve of the Budget was raised in the House. The Chairman directed the Committee to examine the factual position in respect of them. The Committee, accordingly considered the matter and submitted a (special) report to the Chairman on 9 October 1987. The Chairman gave a ruling on the basis of the Committee's finding on 28 March 1988.<sup>402</sup>

On 23 August 1994, when the Minister of State in the Ministry of Finance was about to lay on the Table of the House the annual report of the State Bank of India for the year 1993-94, objection was taken by several members to the laying of the report mainly on the ground that the Annual General Meeting of the Bank was not properly held and the report, etc. were not duly adopted. The Deputy Chairman, while permitting the report to be laid, referred the matter to the Committee for detailed examination and report.<sup>403</sup>

### Powers

The Committee has the 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.<sup>404</sup> The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial

to the safety or interest of the State.<sup>405</sup> Subject to this, 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.<sup>406</sup> It shall be the discretion of the Committee to treat any evidence tendered before it as secret or confidential.<sup>407</sup>

#### *Functioning of the Committee*

The Committee determines its own procedure in respect of all matters connected with the examination of papers laid on the Table.<sup>408</sup> The Committee has accordingly made rules in the form of Recommendations/Observations. Every paper laid on the Table and a suggestion from a member relating thereto or a direction of the House or the Chairman is first attended to by the Secretariat and, if necessary, a memorandum is prepared thereon. After its approval by the Committee Chairman, it is placed before the Committee together with facts or comments on the paper wherever obtained from the Ministry concerned and the background notes. The papers are circulated to members along with the notice of a sitting of the Committee. The papers so circulated are treated as confidential.

Many a times the organisations commit delay in laying their papers in the House and do not observe the recommendations of the Committee on various aspects *i.e.* absence of Ministry's comprehensive Review Statement; problem in Hindi/English Translation, placement of Audit objections and its replies in reports, etc. Accordingly, the Committee in such cases decides to undertake local/study visit to interact with the representatives of select Government organisations/institutions along with the representatives of their administrative Ministries/Departments on the above mentioned issues.

#### *Report*

The report of the Committee is presented to the House by the Committee Chairman or, in his absence, by any member of the Committee.<sup>409</sup>

#### *Restrictions on raising matters in the House about papers laid*

A member wishing to raise any of the matters which fall within the purview of the Committee, has to communicate it to the Committee and not raise it in the House.<sup>410</sup>

#### *General recommendations*

The main guidelines laid down by the Committee in respect of laying of papers on the Table of the House are:

Annual reports and audited accounts of the Public Undertakings established by Acts of Parliament or Government companies incorporated

under section 394 and 395 of the Companies Act, 2013 or Societies registered under the Societies Registration Act, 1860 or any other organisation/board for which annual report, etc., are to be placed on the Table of the Houses of Parliament, together with the report/review/comments of the Auditor and the Comptroller and Auditor-General (C & AG) of India wherever necessary and the report/review of the Government, should be laid within nine months of closure of the accounts.<sup>411</sup>

In case of delay, a statement explaining the reasons for delay should also be laid on the Table of the House along with the documents. If there is likely to be a delay in laying a paper within the stipulated period, the administrative Ministry should approach the Committee sufficiently in advance for extension of time by explaining the reasons for doing so. A reference should be made to the extension given by the Committee in the paper when laid.<sup>412</sup>

In an era of computerisation, the Committee has been emphasising on the use of I.T. and presence of adequate skilled manpower to maintain and update accounts in e-networked format so as to keep the accounts on real time basis so that the accounts may be prepared, finalised and laid in time on the Table of Rajya Sabha.

Reports of the public undertakings/companies/societies, etc. that are laid on the Table of the House should include:

(i) Annual report; (ii) audited accounts; (iii) comments by the C&AG whenever given; (iv) review by the C&AG whenever given; (v) reply to the observations of the Auditor and to the comments and review of the C&AG; (vi) report by the Government under section 394 and 395 of the Companies Act, 2013; in respect of the Government companies and also the review of other institutions of which the reports are laid by Government; and (vii) annual budget of Government company/organisation to be presented to Parliament.<sup>413</sup>

Wherever parts of the requirements are fulfilled, there should be a clear indication in the Government's note on the non-fulfilment of the other parts. Later, when the remaining parts are laid on the Table, reference should be made to the particulars of earlier fulfilment of other parts.<sup>414</sup>

All the documents/statements laid on the Table of the House should bear the place, date and the name of the signatory with the designation.<sup>415</sup>

Statements made and information given in the papers laid on the Table have to be consistently accurate, adequate, and comply with the requirements of the provisions of the Constitution/statutes/Acts/rules/regulations/resolutions/orders/directions. The Committee treats a paper as incomplete, if any requirement is not fulfilled.<sup>416</sup>

Ordinarily, both the English and Hindi versions of reports/documents are to be laid on the Table simultaneously. In exceptional cases, however, where it is not possible to lay both the versions simultaneously, or where the Chairman has permitted on a specific request and for special reasons, the Ministry/Department while laying one version has to invariably lay a statement explaining the reasons for not laying the other version and also indicating the time that would be taken for submission of the other version. In such cases, the other version is required to be laid on the Table either in the same session or at the most in the first week of the next session along with a statement inviting attention to the fact of the reports in the first version, English or Hindi, having been laid on the Table earlier on a particular date.<sup>417-418</sup>

The statements giving reasons for delay should contain information, in chronological order setting forth the dates of compilation of accounts, their submission to audit, receipt of draft audit report, replies given to audit queries, receipt of final audit report, translation and printing of accounts and their submission to the Ministry for laying on the Table of the House, so that the House may identify the stages, causes and extent of delay and suggest remedial measures wherever required.<sup>419</sup>

Annual reports and audited accounts together with review statements and delay statements, if any, should be laid on the Table of the House simultaneously so as to present to Parliament, at a given time, a complete and fair picture on the working of the organisation.<sup>420</sup>

In all compelling circumstances of delayed laying, the Committee should be approached invariably by the administrative Ministry for seeking extension of time. However, seeking extension of time should not be made a regular practice and should be avoided as far as possible.<sup>421</sup>

The audit objection should be suitably replied and find a place in the audited accounts.

## **House Committee**

### *Constitution*

The House Committee is one of the four Committees which were first constituted in 1952. It was not provided for in the Rule book until 1986. The Rules Committee noted that the House Committee which had been in existence since the very inception of the Rajya Sabha had not been provided for in the main corpus of the rules. The Committee saw no reason as to why the House Committee should not find a place in the rules. Accordingly, the Rules Committee in the fourth Report (1986) recommended the

incorporation of a new Chapter relating to the House Committee in the Rules of Procedure.<sup>422</sup>

The Committee<sup>423</sup> consists of ten members who are nominated by the Chairman, Rajya Sabha.<sup>424</sup> The Committee holds office until a new Committee is nominated.<sup>425</sup> Casual vacancies in the Committee are filled by nomination by the Chairman.<sup>426</sup> In order to constitute a meeting of the Committee, the quorum is three.<sup>427</sup>

The Chairman of the Committee is appointed by the Chairman from amongst the members of the Committee.<sup>428</sup> If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another member of the Committee as its Chairman in his place.<sup>429</sup> If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as Committee Chairman for that meeting.<sup>430</sup> The Committee Chairman cannot vote in the first instance but in the case of an equality of votes, he has to exercise a casting vote.<sup>431</sup>

### *Functions*

The functions of the Committee are: (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.<sup>432</sup>

### *Powers*

The Committee has 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.<sup>433</sup> The Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.<sup>434</sup> Subject to this, 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.<sup>435</sup> It is in the discretion of the Committee to keep any evidence tendered before it as secret or confidential.<sup>436</sup>

### *Functioning of the Committee*

The Committee determines its own procedure in respect of all matters connected with accommodation and other amenities to members.<sup>437</sup>

All proposals, suggestions, etc. relating to members' accommodation and amenities are examined by the Secretariat in consultation with the executive authorities, where necessary. When a sufficient number of items

are ready for being placed before the Committee, a date and time for a sitting of the Committee is fixed under the orders of the Committee Chairman. Representatives of the executive authorities concerned are also invited to apprise the Committee of the implications of the proposals under consideration and furnish such information as the Committee might ask for.

The Committee can appoint one or more sub-Committees to examine any specific point relating to the residential accommodation and other amenities to the members.<sup>438</sup>

Proposals, suggestions, etc. which are of common interest to members of both the Houses are considered and decided by the Chairmen of House Committees of both the Houses.

### *Report*

The report of the Committee is presented to the House by the Committee Chairman or, in his absence, by any member of the Committee.<sup>439</sup> Ordinarily, however, the Committee does not present any report as such regularly. The Committee has, since its inception, presented only eleven reports so far.<sup>440</sup> The minutes of the sittings of the Committee are circulated to members of the Committee and relevant extracts therefrom are forwarded to appropriate authorities for necessary action. The Committee is informed from time to time about the progress made in regard to the implementation of its recommendations or decisions. The Committee's recommendations are generally implemented by the Government. In case the Government is unable to do so, its objections are considered by the Committee which may modify its earlier recommendations, if necessary.

### **Committee on Rules**

#### *Historical background*

Each House of Parliament may make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business.<sup>441</sup>

Until such rules were made, the rules of procedure and standing orders in force immediately before the commencement of the Constitution with respect to the legislature of the Dominion of India had effect in relation to Indian Parliament subject to such modifications and adaptations as might be made therein by the Chairman in the case of Rajya Sabha.<sup>442</sup> In other words, when the Rajya Sabha first met on 13 May 1952, it had no rules of procedure of its own. For the purpose of regulating the procedure and conduct of business in the Rajya Sabha (Council of States), the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution,

were modified and adapted by the Chairman of the Rajya Sabha in exercise of the powers conferred by clause (2) of article 118 of the Constitution and were published in the Gazette of India Extraordinary dated 16 May 1952.

The Chairman announced in the House that the Rules of Procedure and Conduct of Business in force immediately before the commencement of the Constitution were modified by him and they were assumed as the governing rules for the session.<sup>443</sup>

The Committee on Rules was nominated for the first time on 22 May 1952. It consisted of fourteen members. Suggestions for amendments of the rules as modified and adapted were received and considered by the Committee on Rules. The Committee presented its first Report to the Chairman on 10 July 1952. The Chairman approved the amendments and the amendments were published in the Gazette dated 11 July 1952 (The amendments pertained to questions and provided for half-an-hour discussion).<sup>444</sup>

The second Report of the Committee was presented to the Chairman on 2 August 1952. The amendments recommended by the Committee were approved by the Chairman and published in the Gazette dated 4 August 1952 (The amendments provided for a Business Advisory Committee).<sup>445</sup>

The third Report of the Committee was presented to the Chairman on 14 August 1952. The amendments recommended were published in the Gazette dated 12 September 1952. (The amendments pertained to rules relating to election of Deputy Chairman and Bills).<sup>446</sup>

The fourth Report of the Committee was presented to the Chairman on 24 December 1952. The amendments approved by him were published in the Gazette dated 23 January 1953 (The amendments pertained to the report of the Select Committee on a Bill and consideration of a Money Bill).<sup>447</sup>

The fifth Report of the Committee submitted to the Chairman on 23 January 1954 was about the constitution of Joint Committees of both the Houses. The suggestion of the Committee was referred to the Speaker, Lok Sabha for incorporating similar amendments in the rules of that House. But the matter was not pursued further.<sup>448</sup>

Thus the old rules as modified and adapted by the Chairman, as mentioned above, continued to regulate the conduct and procedure of the Rajya Sabha until they were replaced by new rules in 1964.

#### *New Rules*

On 7 September 1962, Shrimati Violet Alva moved a resolution regarding the setting up of a Committee of the Rajya Sabha to recommend draft Rules

of Procedure under article 118(1) of the Constitution. The Committee consisted of fifteen members mentioned in the resolution. The resolution was adopted on the same day. Subsequently, in exercise of the power conferred by the penultimate paragraph of the resolution, the Chairman added twelve members to the Committee.<sup>449</sup> The report of the Committee was presented to the House on 29 November 1963.

On 27 May 1964, Shri Mulka Govinda Reddy, a member of the Committee moved two motions for the consideration of the report and adoption of the rules as Rules of Procedure and Conduct of Business of the House under article 118(1) of the Constitution. The draft Rules were adopted on 2 June 1964. The Rules were published in the Gazette of India, Extraordinary Part-I, section I, dated 1 July 1964. The Chairman appointed 1 July 1964, as the date on which the rules would come into force.<sup>450</sup>

The rules, *inter alia*, introduced, for the first time, procedures for calling attention and short duration discussion. The Committee on Subordinate Legislation was also constituted and the scope of the Committee on Petitions was enlarged.

#### *Constitution*

The Committee on Rules is nominated by the Chairman and consists of sixteen members including the Chairman and the Deputy Chairman.<sup>451</sup> The Chairman of the Rajya Sabha is the Chairman of the Committee.<sup>452</sup> The Committee holds office until a new Committee is nominated.<sup>453</sup> Casual vacancies in the Committee are filled by the Chairman.<sup>454</sup>

If the Chairman is for any reason unable to act as the Chairman of the Committee, the Deputy Chairman acts as the Chairman of the Committee in his place.<sup>455</sup> If neither of them is for any reason, able to preside over any meeting, the Committee can choose any other member to act as the Chairman of the Committee for that meeting.<sup>456</sup>

In order to constitute a meeting of the Committee, the quorum is seven members.<sup>457</sup> The Chairman of the Committee is not to vote in the first instance but in the case of an equality of votes on any matter he has to exercise a casting vote.<sup>458</sup>

#### *Functions*

The functions of the Committee are to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to the rules that may be deemed necessary.<sup>459</sup> Suggestions for amendments or additions to the rules can be made by any member of the House including a Minister or by the Committee itself or by the Secretariat.<sup>460</sup> The Secretariat also issues circulars to members inviting their suggestions for amendments of rules.<sup>461</sup>

### *Functioning of the Committee*

All suggestions and proposals for amendment and addition to the rules are first examined by the Secretariat and placed before the Committee in the form of memoranda stating the implication of each proposal. The memoranda are circulated to members of the Committee.

In connection with the constitution of the seventeen Department-related Parliamentary Standing Committees, a joint sitting of the Committees on Rules of both the Houses was held on 11 March 1993. It was presided over by the Chairman, Rajya Sabha.<sup>462</sup>

### *Report*

The report of the Committee containing its recommendations together with the minutes of the sittings of the Committee is presented to the House by the Deputy Chairman or in his absence, by any member of the Committee.<sup>463</sup>

The seventh Report of the Committee was presented by the Deputy Chairman from the Chair.<sup>464</sup>

The Report contains, *inter alia*, the amendments recommended by the Committee and the reasons therefor, as also the suggestions considered but not agreed to by the Committee.

### *Consideration of the report*

After the report has been presented, a motion may be moved by the Deputy Chairman or in his absence by a member of the Committee designated by the Chairman that the report of the Committee be taken into consideration.<sup>465</sup> 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.<sup>466</sup> After the motion for consideration has been carried, the Deputy Chairman or in his absence, the designated member may move that the House agrees, or agrees with amendment, with the recommendations contained in the report.<sup>467</sup> The amendments to the rules as approved by the House come into force on such date as the Chairman may appoint.<sup>468</sup> Thereafter, the amendment is published in the Gazette and a Bulletin is issued for information of the members.

The new designation 'Secretary-General' was, however, substituted for the old designation 'Secretary' by an announcement made by the Chairman in the House. The House agreed that relevant rules be amended accordingly.<sup>469</sup>

### *Summary of recommendations for amendments to rules*

In July 1972, the rules were amended on the recommendations of the Committee on Rules contained in its first Report presented to the

Rajya Sabha on 10 April 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 Constitution. A new Committee on Government Assurances was also provided in the rules.<sup>470</sup>

The Committee on Rules in its second Report presented to the Rajya Sabha on 2 May 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.

The Committee in its third Report presented to the Rajya Sabha on 2 December 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 Committee on Rules; private members' business should be transacted on any other day in the week, if there was 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 member's resolution could be in a form other than a declaration of opinion by the House; a motion for reference of a question of privilege might be moved by the member raising the question or any other member instead of the Leader of the House, 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.

The second and the third Reports referred to above were agreed to by the Rajya Sabha at its sitting held on 24 December 1981, on a motion moved by a member of the Committee designated by the Chairman. 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 15 January 1982.<sup>471</sup>

The Committee in its fourth Report presented to the Rajya Sabha on 19 March 1986, recommended further amendments in the rules. The Committee recommended amendment in sub-rule(3) of rule 25 so that instead of Bills being balloted, the names of persons in-charge of the Bills would be balloted and the members securing the first ten places in the ballot would be asked to choose their Bills. It also provided that no member would 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 XVIIC containing new rules 212P to 212W relating to the House Committee which had been in existence since the very inception of the Rajya Sabha but had not been provided for in the main corpus of the rules. The amendments were agreed to by the House on 14 May 1986 and were brought into force by the Chairman on 1 July 1986.<sup>472</sup>

The Committee in its fifth Report presented to the House on 19 August 1992, recommended constitution of three Committees on : (i) Human Resource Development; (ii) Industry; and (iii) Labour. The Rajya Sabha adopted the report on the next day *i.e.*, 20 August 1992.

Subsequently, the General Purposes Committee and the Committee on Rules together considered the whole matter afresh on 23 February 1993. The subject was further discussed at a joint sitting of the Committees on Rules of both the Houses on 11 March 1993. As a result of these discussions, the Committee recommended the setting up of the seventeen Department-related Parliamentary Standing Committees to replace the three Committees set up in each House earlier. The sixth Report of the Committee in this respect was presented to the House on 24 March 1993 and was adopted by the House with some amendments on 29 March 1993. The rules were brought into force on the same day.<sup>473</sup>

The seventh Report of the Committee was presented on 14 February 1995. The recommendations, *inter alia*, related to the increase of notice period for questions from 10 to 15 clear days; certain conditions of admissibility of questions, limit of number of questions (starred and unstarred) and minute of dissent of a member to be appended to a report of a Select Committee. The Report of the Committee was adopted by the House on 30 May 1995, with some amendments. The amendments, as approved by the House, were brought into force with effect from 15 June 1995.<sup>474</sup>

The eighth Report of the Committee was presented to the House on 12 May 2000, and adopted on 15 May 2000. The Committee *inter alia* 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 (notice of motion) 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 rules to ensure that the rule 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 amendments, as approved by the House, were brought into force with effect from 1 July 2000. The ninth and the tenth Reports of the Committee were presented to the House on 20 July 2004 and adopted on the same day. The ninth Report, *inter alia*, recommended incorporation of the rules relating to the Committee on Ethics in the corpus of the Rules of Procedure and Conduct of Business in the Council of States. In the tenth Report, the Committee, *inter alia*, suggested for the creation of seven new Department-related Parliamentary Standing Committees.

The eleventh Report of the Committee on Rules was presented to the House on 8 December 2006. The Committee recommended<sup>475</sup> (i) amendments in rule 252, increasing the time of ringing of division bell from two minutes to three minutes thirty seconds; and (ii) amendment in rule 241 permitting Ministers also who are not members of Rajya Sabha to make personal explanation under the said rule.

The twelfth Report of the Committee was presented to the House on 14 December 2009. The Committee, *inter alia*, recommended<sup>476</sup> (i) substitution of the existing rule 43 under the new rule. Under the pre-existing rule, a member's name could appear in the starred list for a maximum three times, once as a first questioner and twice by way of clubbing. The Committee observed that the average number of starred questions taken up for oral answer is as low as four to six and the written replies to the remaining starred questions are laid on the Table as if they were unstarred questions. It, therefore, felt that if a member's name is included only once in the starred list it would facilitate more members to ask supplementaries on questions. The new rule 43 thus provided that not more than one starred question by the same member shall be placed on the list of questions for oral answer on any one day; (ii) substitution of sub-rule (3) of rule 54 by a new rule. Under the pre-existing rule, when a member in whose name, a question was listed happened to be absent or did not put the question, the Chairman, at the request of any member may direct that the answer to it be given. As a result on many occasions, when the member was absent or did not put the question, no reply was made by the Minister concerned, depriving other members and the House as a whole from putting supplementaries and receiving further information from Government on an issue of sufficient public importance. The new sub-rule (3) of rule 54 provided that if 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. As a result of this new sub-rule, even if a member is absent or chooses not to put the question

which stands in his or her name, the answer to such a question shall be given and other members can ask supplementary questions. As a result of the new rule, rule 55 became infructuous and the Committee recommended its deletion.

Due to frequent disruptions of the Question Hour the Rules Committee proposed to the General Purposes Committee to schedule the Question Hour from 11.00 a.m.-12.00 noon to 12.00 noon-1.00 p.m. Consequently, the first item to be taken up at 11.00 a.m. will be laying of papers, followed by Zero Hour and Special Mentions till 12.00 noon. The General Purposes Committee agreed to these proposals and recommended that the normal time of the sittings of the House should be extended by an hour and accordingly, the House should sit from 11.00 a.m. to 1.00 p.m. and from 2.00 p.m. to 6.00 p.m., except on Fridays when the House will reassemble after lunch at 2.30 p.m. The Rules Committee concurred with the proposals of the General Purposes Committee and accordingly recommended in its thirteenth Report (i) amendment to rule 38 of the Rules of Procedure and Conduct of Business in the Council of States regarding change in the timings of the Question Hour; (ii) amendment in rule 51A regarding reduction in the limit of number of questions for oral answers to 15 from existing 20; and (iii) amendment to rule 180(5) pertaining to time of taking up Calling Attention which is consequent to the amendment to rule 38. The thirteenth Report of the Committee was presented to the House on 25 November 2014 and adopted on the 26 November 2014.<sup>477</sup>

### General Purposes Committee

The General Purposes Committee was earlier not provided for in the Rules of Procedure of the Rajya Sabha though it used to be constituted every year by the Chairman 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. Pursuant to the recommendation made by the Committee on Rules of Rajya Sabha as contained in its eighth Report, the General Purposes Committee was provided in the corpus of the rules with effect from 1 July 2000 with the addition of a new chapter XXIII. The Committee consists of the Chairman, the Deputy Chairman, members on the panel of Vice-Chairmen, Chairmen of all Parliamentary Standing Committees, leaders of recognised parties and groups in the Rajya Sabha and such other members as may be nominated by the Chairman. Thus, no fixed number has been laid down for the membership of the General Purposes Committee. The Chairman is the *ex officio* Chairman of the Committee.

The first Committee was constituted on 22 May 1957 and had sixteen members on it; the Committee constituted on 12 August 1976, consisted of twenty-one members; the one constituted on 7 August 1995 and 31 July 1996, had twenty-five and twenty-one members respectively. The Committee is being constituted since 1957, except on few occasions when it was not reconstituted unlike other Committees.

The functions of the Committee are to consider and advise the Chairman on matters concerning the affairs of the House or members which do not appropriately fall within the purview of any other Parliamentary Committee.

On an occasion, the Committee did not consider a matter regarding additional housing accommodation for members, rental for air-conditioners, etc. as the matter fell within the purview of the House Committee.<sup>478</sup>

The Committee has so far considered a variety of subjects of procedural, ceremonial and functional nature. In view of the Committee's composition, the Committee has wider representational character than any other Parliamentary Committee and hence important matters of general interest are always placed before this Committee. Some of the important issues considered by the Committee are:

- (a) procedural: adjournment of the House on the death of sitting members, etc;<sup>479</sup> not to hold a sitting on May Day;<sup>480</sup> guidelines for visits of Parliamentary Committees outside Delhi;<sup>481</sup> non-response to the Supreme Court notice in Special Reference No. 1 of 1974 (regarding Presidential election);<sup>482</sup> procedure of balloting of questions;<sup>483</sup> calling attention procedure;<sup>484</sup> approval of the draft of Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985;<sup>485</sup> constitution of Department-related Parliamentary Standing Committees;<sup>486</sup> oath/affirmation to newly elected members of the Rajya Sabha in the Chamber of the Chairman;<sup>487</sup> question procedure.<sup>488</sup>
- (b) ceremonial: contribution of members towards Bangladesh Relief Fund;<sup>489</sup> celebration of the twenty-fifth anniversary and 100<sup>th</sup> Session of the Rajya Sabha in May 1977;<sup>490</sup> celebration of the birth centenary of Dr. S. Radhakrishnan, the first Chairman of the Rajya Sabha;<sup>491</sup> commencement/conclusion of a session with National Anthem/National Song;<sup>492</sup> Celebration of the 200<sup>th</sup> Session of the Rajya Sabha in December 2003.<sup>493</sup>
- (c) functional or facilities: sound system in the Rajya Sabha Chamber;<sup>494</sup> installation of metal detectors at the entrance of Rajya Sabha public gallery;<sup>495</sup> issue of the same day passes for members' guests/family members;<sup>496</sup> printing of Rajya Sabha debates in Hindi;<sup>497</sup> frisking of female visitors;<sup>498</sup> distribution of brief-cases to members;<sup>499</sup> renovation of seats in the Chamber;<sup>500</sup> Rajya Sabha Who's Who—pattern and printing;<sup>501</sup> publication of a consolidated Who's Who;<sup>502</sup> installation of CCTV in the Rajya Sabha Sector;<sup>503</sup> introduction of five-day week and fixation

of working hours in the Secretariat from 10.00 a.m. to 6.00 p.m.;<sup>504</sup> blood group identification of members;<sup>505</sup> replacement of AVR/SI/master clock/sound systems in the Chamber;<sup>506</sup> additional telephone facilities in the offices of Chairmen of Parliamentary Committees;<sup>507</sup> improvement of refreshment service;<sup>508</sup> improvement in the cooling arrangement in the Central Hall;<sup>509</sup> insignia for members;<sup>510</sup> transport and medical facilities for members;<sup>511</sup> strengthening of research facilities in the Secretariat;<sup>512</sup> supply of computers to members and organising computer training programmes for them;<sup>513</sup> televising the proceedings of Parliament;<sup>514</sup> common fax facilities for members;<sup>515</sup> receipt of notices of questions through E-mail, format of the Who's Who of Rajya Sabha, security measures in the precincts of Parliament House, procedure regarding evidence of officials of the State Governments before the Parliamentary Committees;<sup>516</sup> changing of the size of the Rajya Sabha debates from royal octavo (royal 8VO) to A-4 or A-5 size, making specific provision in the Rules of Procedure for special mentions, amendment of rules relating to motions.<sup>517</sup> The Committee may appoint sub-committees for the detailed consideration of certain matters.

The Committee constituted a Committee of experts to examine sound system in the Rajya Sabha.<sup>518</sup> The Committee authorised the Chairman to appoint a sub-committee to draw up a detailed programme to celebrate the twenty-fifth anniversary and 100<sup>th</sup> Session of the Rajya Sabha in May 1977.<sup>519</sup>

The Chairman nominated members to join with the sub-committee of Lok Sabha General Purposes Committee regarding production of documentary film on Parliament.<sup>520</sup> The Committee appointed a sub-committee to work out details of the programme of the birth centenary of Dr. S. Radhakrishnan on 5 September 1988.<sup>521</sup>

The Committee desired that a sub-committee comprising members of the Committee on Rules of the Rajya Sabha and the Lok Sabha be constituted to consider the matter regarding constitution of standing committees of Parliament as recommended by the Committee on Rules of the Lok Sabha in its draft second Report.<sup>522</sup>

A Committee of experts from the Departments of Science and Technology, Electronics and CPWD was directed to technically evaluate and identify suitable AVR/SI/sound systems for the Rajya Sabha.<sup>523</sup>

The Committee authorised the Chairman to constitute a sub-committee to look into the question of jurisdictional overlap between Parliamentary Committees and the Chairman nominated a five member sub-committee for

the purpose,<sup>524</sup> which met several times and considered the issue. Subsequently, a Joint Parliamentary Committee to look into this matter was set up by the Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha,<sup>525</sup> and members of this sub-committee were nominated as members of the Joint Committee.

In pursuance of the decision taken by the General Purposes Committee of Rajya Sabha in its sitting held on 4 March 2008, Chairman has constituted a small sub-committee to review all aspects relating to guidelines concerning study tours of parliamentary committees and submit its report to the main Committee.<sup>526</sup> The sub-committee has submitted its report to the Hon'ble Chairman on 16 December 2008,<sup>527</sup> which was considered and approved by the main Committee in its meeting held on 18 December 2008.<sup>528</sup>

Earlier the Committee did not present any report to the House. However, with the Committee being provided in the corpus of rules w.e.f. 1 July 2000, there is a provision under rule 283 for the Committee to make a special report if it thinks fit 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. The minutes of the meeting of Committee incorporating the decisions of the Committee are, however, kept and they are circulated to the members of the Committee. Extracts therefrom are also forwarded to authorities concerned for necessary action.

#### **Committee on Provision of Computer Equipment to Members of Rajya Sabha**

This Committee was constituted by the Chairman, Rajya Sabha on 18 March 1997. It is an eight member Committee which decides parameters with regard to application of information technology in the functioning of Rajya Sabha, formulates norms for provision of computer hardware and software to be made available to members from time to time along with suitable training to enable members to proficiently use IT tools, and takes steps to ensure increasing use of electronic mode of information dissemination in the Rajya Sabha. To make available various tools of information technology to the members of Rajya Sabha, this Committee has formulated the "Provision of Computer Equipment (Members and Officers) Rules, 2008" with the approval of the Chairman Rajya Sabha which came into force on 1 April 2008. These rules have a Scheme of Financial Entitlement using which members can procure computer equipment of their choice to aid their parliamentary work. The Deputy Chairman of Rajya Sabha or a senior member of the House is the Chairman of the Committee.

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### Committee on Member of Parliament Local Area Development Scheme

Since a large number of complaints were being received from members relating to non-implementation or delay in implementation of various items of work under the Member of Parliament Local Area Development (MPLAD) Scheme, it was felt that there should be some effective monitoring mechanism so that proper and quick implementation of projects under the MPLAD Scheme could be achieved. It was also felt that there should be a close coordination between district officials and Members of Parliament and there should be a separate parliamentary committee under the Chairmanship of Deputy Chairman, Rajya Sabha for monitoring the problems pertaining to the MPLAD Scheme. With this objective, a ten member committee was constituted in the Rajya Sabha on 5 September 1998. The Deputy Chairman of Rajya Sabha is the Chairman of this Committee. At present, the Committee on MPLADS, Rajya Sabha is a thirteen member committee comprising members from different parties/groups.

Under the Scheme, each Member of Parliament can recommend works of developmental nature to the tune of Rupees five crore per annum to be taken up in his/her constituency. An elected member of Rajya Sabha can recommend works in one or more districts to be executed by the concerned district administration in the State from where he/she has been elected. The nominated members of Rajya Sabha can recommend works, anywhere in the country.

The Committee on MPLADS during the period of its existence has upto now presented the following reports:

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Year	No. of meetings held	No. of reports presented
1998	2	-
1999	3	First report presented on 23 December 1999
2000	6	-
2001	7	Second report presented on 11 December 2001 Third report presented on 18 December 2001
2002	8	Fourth report presented on 17 December 2002
2003	4	-
2004	7	Fifth report presented on 7 December 2004
2005	8	-

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Year	No. of meetings held	No. of reports presented
2006	4	-
2007	3	-
2008	5	Sixth report presented on 23 October 2008
2009	3	-
2010	4	-
2011	6	-
2012	4	-
2013	2	Seventh report presented on 12 March 2013
2014	2	-
2015	2	-

### III. Select/Joint Committees on Bills

On a motion moved in and adopted by the House, Bills are from time to time referred to Select Committees, the members on which are specifically named in the motion. Bills may likewise be referred to Joint Committees, with the concurrence of the Lok Sabha, which have the members of both the Houses serving on them. Such Select/Joint Committees are *ad hoc* Committees since they are appointed for consideration of particular Bills referred to them and become *functus officio*, after submission of reports to the House(s).

Such Committees are appointed at the first stage of the second reading of a Bill in the House. At this stage, the member in-charge of the Bill may himself move that the Bill be referred to a Select Committee of the House or to a Joint Committee of the Houses with the concurrence of the Lok Sabha. If, however, the member in-charge of the Bill moves a motion that the Bill be taken into consideration, any other member may move an amendment for the reference of the Bill to a Select or Joint Committee.<sup>529</sup> On the adoption of the motion or amendment, as the case may be, the Bill stands referred to a Select Committee, and in case the Bill is to be referred to a Joint Committee, on the adoption of a concurrence motion and appointment of members to the Committee, by the other House.

#### *Constitution*

The members of the Select Committee on a Bill are appointed by the House when the motion that the Bill be referred to a Select Committee is

made.<sup>530</sup> The motion for reference of a Bill to the Joint Committee gives the number and names of members of the Rajya Sabha to be appointed to the Committee and also the number of members from the Lok Sabha to be appointed by that House. The proportion of members of a Joint Committee from the Rajya Sabha and the Lok Sabha is 1:2. The actual number of membership of the Select/Joint Committee is not fixed; it varies from Committee to Committee.

No member is appointed to a Select Committee if he is not willing to serve on the Committee. The mover has to ascertain whether the member proposed by him is willing to serve on the Committee.<sup>531</sup>

The member or Minister in-charge of the Bill is generally included as a member of the Committee. The composition of the Select/Joint Committee reflects the strength of various parties/groups in the House(s).

When the motion for concurrence to refer the Constitution (Eightieth Amendment) Bill to a Joint Committee was moved, objection was taken to the exclusion of members of certain parties. The motion had to be postponed.<sup>532</sup>

As a general rule only one Bill is referred to a Select/Joint Committee, but in case there are two Bills dealing with a similar subject-matter, they may be referred to the same Select/Joint Committee by means of a single motion or two separate motions.

Two Ministers moved separate motions for concurrence to refer the Representation of the People (Amendment) Bill, 1993, and the Constitution (Eightieth Amendment) Bill, 1993 to Joint Committees with common names of members on both. It was clarified by the Vice-Chairman that it was one Committee which would work on both the Bills. The Law Minister agreed with this view.<sup>533</sup>

#### *Motion regarding a Joint Committee*

There are no rules about the procedure to be followed by a Joint Committee. A self-contained motion is, therefore, moved in the House for the purpose. The motion lays down the quorum for a sitting of the Joint Committee, the rules of procedure which would apply to the Committee, the time by which the Committee is to present its report and finally a request to the other House to agree to join in the Committee and to communicate the names of its members who have been appointed to serve on the Committee. Usually, the rules relating to the Select Committee on Bills of the House in which the motion is initiated apply to the Joint Committee. The motion, on adoption, is transmitted to the other House for concurrence and nominating members to serve on the Committee.

As already stated,<sup>534</sup> on the dissolution of the Lok Sabha, a Joint Committee stands dissolved. The Joint Committee has to be reconstituted afresh in case the Bill is referred to it.

The House which initiates a motion of constitution of a Joint Committee is in-charge of the Committee and the Committee functions under the direction and control of the Presiding Officer of that House.<sup>535</sup> The extension of time for presenting the report of the Committee, if required, has to be sought from that House. When such extension is granted, the other House is informed by means of a formal message.

However, while the motions for the appointment of Joint Committee of the Houses on the Copyright (Second Amendment) Bill, 1992 and the Insolvency and Bankruptcy Code, 2015 were moved and adopted by the Lok Sabha, the Hon'ble Speaker, Lok Sabha, appointed Shri Syed Sibtey Razi, Member, Rajya Sabha and Shri Bhupender Yadav, Member, Rajya Sabha respectively as the Chairman of these Committees.<sup>536</sup>

Similarly, the motion requesting grant of extension of time for presentation of the report of the Joint Committee on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015 could not be moved by the Chairperson of the Committee on account of the sitting of the Lok Sabha on 27.11.2015 being dedicated exclusively for discussion on Commitment to India's Constitution. The Hon'ble Speaker, Lok Sabha, made an announcement in the House that she has, on behalf of the House, granted extension of time up to the last day of the Winter Session, 2015. A message from Lok Sabha in this regard was reported by the Secretary-General to the House.

#### *Casual vacancies*

Casual vacancies in a Select Committee are filled by appointment on a motion made in the House.<sup>537</sup> Motion for filling up casual vacancies will be given by the Minister concerned and the same will be processed and admitted by the Secretariat. The admitted motion will be sent by the Secretariat to the Ministry of Parliamentary Affairs requesting them to have the item included in the list of business. The Ministry then forwards the item to the Table Office on a desired date. The Minister concerned will move the motion in the House on the date for which it has been listed, for being adopted by the House. In the case of a Joint Committee, initiated by the Rajya Sabha, if the vacancy is in the membership of the Rajya Sabha, a motion setting forth the name of the member proposed to fill the vacancy is moved and after its adoption by the House, the Lok Sabha Secretariat is informed of the fact by a letter. If the vacancy is in the membership of the Lok Sabha, the vacancy is filled by that House on a recommendation made

to that effect in a motion adopted by the Rajya Sabha. The motion after adoption in the Rajya Sabha is transmitted to the Lok Sabha for concurrence and nomination of a member of that House to fill the vacancy. On receipt of a message from the Lok Sabha concurring in the motion, it is reported to the Rajya Sabha. The same procedure is followed in the reverse order in the case of a Joint Committee originating in the Lok Sabha.

#### *Chairman of Committee*

The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee. If the Deputy Chairman is a member of the Committee, he is appointed Chairman of the Committee.<sup>538</sup> If the Committee Chairman is for any reason unable to act, the Chairman may similarly appoint another Committee Chairman in his place.<sup>539</sup> If the Committee Chairman is absent from any meeting, the Committee can choose another member to act, as Chairman of the Committee for that meeting.<sup>540</sup> In case of equality of votes on any matter, the Chairman of the Committee or other person presiding has to exercise a second or casting vote.<sup>541</sup>

#### *Quorum*

In order to constitute a meeting of the Committee, the quorum is one-third of the total number of members of the Committee.<sup>542</sup> If at the time fixed for any meeting of the Committee or if at any time during any such meeting, there is no quorum, the Chairman of the Committee has to either suspend the meeting until there is quorum or adjourn the meeting to some future day.<sup>543</sup> If the Committee has been adjourned for want of quorum on two successive dates fixed for the meeting of the Committee, its Chairman has to report the fact to the House.<sup>544</sup>

The Chairman of the Joint Committee on the Shipping Agents (Licensing) Bill, 1989, (Shri B.A. Masodkar) made a report to the House on 28 July 1989, that a series of meetings of the Committee had to be adjourned for lack of quorum. It was the first time in the Rajya Sabha that such a report was made under rule 74(3) of the rules.<sup>545</sup>

#### *Discharge of absent members*

If a member is absent from two or more consecutive meetings of the Committee, without the permission of the Chairman of the Committee, a motion may be moved in the House for the discharge of such member from the Committee.<sup>546</sup> This is only an enabling provision and has not been used so far.

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*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 they cannot address the Committee or sit in the body of the Committee.<sup>547</sup> However, a Minister may, with the permission of the Chairman of the Committee, address the Committee of which he may not be a member.<sup>548</sup>

*Power to appoint sub-Committees*

The Committee may appoint a sub-Committee or study group to examine any special points connected with the Bill. The order of reference to such sub-Committee clearly states the point or points for investigation. The report of the sub-Committee is considered by the whole Committee.<sup>549</sup>

The Joint Committee on the Hindu Succession Bill, 1954, appointed a sub-Committee to consider an amendment granting a share to a female relative in respect of coparcenary property.<sup>550</sup>

The Joint Committee on the Prevention of Water Pollution Bill, 1969 appointed three Study Groups;<sup>551</sup> the Joint Committee on Hire-Purchase Bill, 1968, appointed three sub-Committees to consider the interests of hirers;<sup>552</sup> the Joint Committee on the Plantations Labour (Amendment) Bill, 1973, appointed three Study Groups.<sup>553</sup>

*Functions*

The function of a Select/Joint Committee on a Bill is to go through the text of the Bill, clause by clause, in order to see that the Bill reflects clearly the intention behind the measure and the object proposed to be achieved is adequately brought out.

The Committee may, for this purpose, invite memoranda from or take oral evidence of experts or interested persons and organisations. The Committee may also ask the Government officials to explain the policy behind the various provisions of the Bill and to supply to it such information and background material as may be required by it. After hearing the evidence, the Committee considers the various provisions of the Bill and formulates its conclusions and may amend the clauses, etc. of the Bill to bring about the intention clearly. At the sittings of the Committee, the Minister concerned and the officials of the Ministry as well as the Legislative Counsel (Draftsman) are also present to assist the Committee in its deliberations.

The Committee may also visit organisations and institutions, etc. for on-the-spot study of a matter connected with the Bill. For instance, the Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974, visited institutions to study the working of laboratories.<sup>554</sup>

### *Meetings*

The meetings of the Committee are held on such days as its Chairman may fix.<sup>555</sup> If, however, 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.<sup>556</sup>

A Committee may hold its meeting whilst the House is sitting. If, however, a division is called in the House, the Chairman of the Committee suspends the proceedings in the Committee for such time as will enable members to vote in the division.<sup>557</sup>

The sitting of the Committee is held within the precincts of the Parliament House.<sup>558</sup> If, however, in any case it is considered necessary to hold such a sitting outside the precincts of the Parliament House, the matter is referred to the Chairman whose decision (to permit the Committee to sit outside Parliament House or otherwise) is final.<sup>559</sup> There have been many instances when Committees have been permitted to hold sittings outside Delhi. There are also instances when the Chairman of Rajya Sabha has not acceded to Committee's request to hold its sittings<sup>560</sup> or of any of its study groups or sub-Committees outside Delhi.<sup>561</sup>

### *Evidence*

Generally, at the first sitting, the Committee decides whether it would take evidence on the Bill from the various interests affected by the measure and whether expert evidence would be necessary or useful. In case the Committee decides to take evidence, usually a press note is issued inviting memoranda on the Bill from individuals, associations or organisations and a date is fixed for the receipt of such memoranda.

The Select Committee on the Indian Penal Code (Amendment) Bill, 1963, however, decided not to issue a press communique in view of the fact that the Bill had already been circulated for eliciting public opinion thereon.<sup>562</sup> The Committee heard expert witnesses.

In some cases, the Committees have also issued questionnaires on the various provisions of the Bills. For instance, the Joint Committee on the Indian Penal Code (Amendment) Bill, 1972, and the Central and other Societies (Regulation) Bill, 1974, issued questionnaires also.<sup>563</sup>

The Chairman of the Committee is authorised to decide, after going through the memoranda, as to who should be invited to appear before the Committee to tender oral evidence. For this purpose, only those associations or individuals are called who have made a specific request for the purpose. The Chairman of the Committee also considers the suggestions of members made in this behalf.

A Select/Joint Committee may call any member who is not a member of the Committee to give evidence before it.

There have been many instances when Members of Parliament have been invited by Select/Joint Committees on Bills for tendering evidence either in their representative capacities or as experts on matters being considered by the Committees. For instance, Shri M.C. Setalvad, Shri A.N. Mulla and Shri G.S. Pathak, M.Ps. appeared before the Select Committee of the Rajya Sabha on the Indian Penal Code (Amendment) Bill, 1963;<sup>564</sup> Shri Setalvad also appeared before the Joint Committee on the Code of Civil Procedure (Amendment) Bill, 1968;<sup>565</sup> Shri Indradeep Sinha, M.P. appeared before the Joint Committee on the Indian Penal Code (Amendment) Bill, 1972, as a representative of the All India Kisan Sabha,<sup>566</sup> Shri S.N. Mishra, M.P. appeared before the Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974, as a representative of the Kirana Committee, Delhi.<sup>567</sup>

In a case, a member of the Joint Committee on the Prevention of Water Pollution Bill, 1969, appeared before the Committee as a witness.<sup>568</sup> Again, before the Joint Committee on the Prevention of Water Pollution Bill, 1969, the Minister of State in the Ministry of Information and Broadcasting (Shri I.K. Gujral) appeared as a witness.<sup>569</sup>

The Committee has 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.<sup>570</sup> 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 is to be referred to the Chairman whose decision is final.<sup>571</sup>

The Joint Committee on the Monopolies and Restrictive Trade Practices (MRTP) Bill, 1963, had desired information from the Ministry of Finance regarding the names of private companies to which loans had been advanced by the State Bank of India in which the Directors of the Bank were interested. The Ministry of Finance took the plea that the information could not be supplied due to prohibition imposed on divulgence of such information under section 44(1) of the State Bank of India Act, 1955. Some members felt that a Parliamentary Committee could not be deprived of such information in spite of statutory prohibition. Some other members, however, were of the view that the Ministry of Finance was justified in its plea. Because of the difference of opinion the matter was ultimately referred to the Chairman for direction. The Chairman ruled:

...in view of the express provision of section 44(1) of the State Bank of India Act, 1955, the State Bank of India could not be asked to divulge to the Joint Committee the names of individual companies in which the Directors of the Bank were interested together with loans granted to them and the rate of the interest charged therefor.

The Chairman further said that the provisions of section 44 of the aforesaid Act applied to all and no exception in this regard could be made in favour of Parliament or its Committees and that if Parliament thought in its wisdom that Parliament or its Committees should be exempted from the provisions of section 44(1) of the State Bank of India Act, 1955, an amendment of the said section would be necessary. In the circumstances, the Chairman decided that he was not in a position to give direction to the Government to furnish to the Joint Committee, the names of private companies to which loans had been sanctioned by the State Bank of India, in which the Directors were interested together with the particulars thereof.<sup>572</sup>

Government may, however, decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.<sup>573</sup> Subject to this, a witness may be summoned by an order signed by the Secretary-General and shall produce such documents as are required for use of the Committee.<sup>574</sup>

The Committee may hear expert evidence and representatives of special interest affected by the measure before it.<sup>575</sup>

There are instances of the Joint Committees initiated by the Rajya Sabha which have heard expert witnesses from foreign countries also.

For instance, the Joint Committee on the Copyright Bill, 1955 heard the representatives of the International Confederation of Authors and Composers, Paris, the Performing Right Society, London and the British Joint Copyright Council, London. One of the representatives had this to say about the hearing given to them: "When I make my report to the authors' societies of thirty countries, I shall make it a point to mention this very patient and long hearing which you have given me."<sup>576</sup>

Again, the Joint Committee on the Prevention of Water Pollution Bill, 1969, heard nine foreign experts on environment and public health.<sup>577</sup> In the words of one of the foreign scientists who appeared before the Committee, "It is a rare privilege for a citizen of our country, 10,000 miles away, to have a chance to address the Parliament of India, the greatest democracy on earth."<sup>578</sup>

No document submitted to the Committee can be withdrawn or altered without the knowledge and approval of the Committee.<sup>579</sup>

Before a witness is called for examination, the Committee decides the mode of procedure and the nature of questions that may be put to the witness.<sup>580</sup> A witness is, at the outset, permitted to make his submissions orally before the Committee to supplement his memorandum already submitted to the Committee. In case the witness has not furnished a

memorandum, he may be permitted to express briefly his views on the subject-matter before the Committee. Thereafter, the Chairman and members put questions to the witness as they may consider necessary with reference to the subject-matter of the Bill or any connected subject thereto.<sup>581</sup> 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.<sup>582</sup>

A verbatim record of the proceedings of the Committee is kept whenever a witness is summoned to give evidence.<sup>583</sup> The evidence tendered before the Committee is made available to the members of the Committee.<sup>584</sup> A copy of the evidence is sent to the witness for confirmation and he is advised to keep the same confidential until the same is laid on the Table.

The Committee decides whether the record of evidence given before it is to be laid on the Table wholly or in part or in a summary form<sup>585</sup> and whether the written memoranda submitted to the Committee should be printed as appendices to the evidence or laid on the Table or placed in the Library for reference by the members.

The Joint Committee on the Plantations Labour (Amendment) Bill, 1973, decided that the whole of the evidence tendered before the Committee should be laid on the Table. However, in view of economy, the evidence need not be printed, and two sets thereof might be kept in the Parliament Library, after the evidence was laid on the Table.<sup>586</sup>

Similar decisions were taken by the Joint Committees on the Prevention of Food Adulteration (Amendment) Bill, 1974,<sup>587</sup> and the Central and other Societies (Regulation) Bill, 1974.<sup>588</sup>

The Joint Committee on the Mental Health Bill, 1981, decided to lay on the Table the entire evidence tendered before it and to place in the Parliament Library a set of memoranda received after the report was presented, for reference by Members of Parliament.<sup>589</sup>

On an occasion, in the Joint Committee on the Prevention of Water Pollution Bill, 1969, a member wanted to bring to the notice of the Committee a question of likely breach of privilege in connection with a document or documents supplied to the Committee. The Committee recorded the evidence of the Member-Secretary of a Board as to how he came into possession of a cyclostyled copy of a report submitted to the Committee by the Chairman of that Board and circulated to the members by the Secretariat. This evidence was recorded by the Committee *in camera*. All officials of the Ministries of Law and Health and officers of the Secretariat were asked to withdraw during the evidence.<sup>590</sup> A verbatim report of the evidence was kept but the Committee decided that the whole of the evidence tendered before the Committee except the evidence given by the Member-Secretary of

the Board as mentioned above be laid on the Table.<sup>591</sup> [The matter itself was dropped by the Committee in view of the unqualified apology expressed by the official of the Ministry for passing on the report in question to the Government of Maharashtra.]<sup>592</sup>

In the case of a Joint Committee constituted afresh due to the previous Joint Committee having ceased consequent on the dissolution of the Lok Sabha, generally the new Committee decides to treat the work done by the earlier Joint Committee to form part of the work of the new Committee. All memoranda, etc. and oral evidence recorded by the earlier Committee are treated as part of memoranda and oral evidence by the new Committee.<sup>593</sup>

In case the Committee decides that the whole or part or summary of the evidence, as the case may be, is to be laid on the Table, it is printed in a separate volume. A copy of such evidence authenticated by the Committee Chairman is laid on the Table by him or the member so authorised by the Committee. It is not presented to the House with the report but is laid on the Table separately. In the case of a Joint Committee, an authenticated copy of the evidence is sent to the Lok Sabha Secretariat for being laid on the Table of the Lok Sabha simultaneously with its presentation to the Rajya Sabha. Copies of the evidence after they have been laid on the Table, are circulated to the members of both the Houses.

The evidence given before a Committee cannot be published by any member of the Committee or by any other person until it is formally laid on the Table.<sup>594</sup> A witness appearing before the Committee is also informed accordingly by the Chairman of the Committee before the proceedings of the evidence commence. The Chairman may, however, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.<sup>595</sup>

#### *Procedure*

After hearing the evidence, if any, the Committee considers the Bill clause-by-clause, members move their amendments, if any, which are circulated to members of the Committee in advance. The procedure regarding moving of amendments in the Committee is, as far as practicable, the same as is followed in the House 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.<sup>596</sup>

Only members of the Committee are entitled to give notice of amendments. Generally, the rules governing the admissibility of amendments in the House apply in the Committee also.<sup>597</sup> Notices of amendments tabled in the House by members before reference of the Bill to a Committee also

stand referred to the Committee. However, where notice of an amendment is received from a member who is not a member of the Committee such amendment is not taken up by the Committee unless it is moved by a member of the Committee.<sup>598</sup> Besides tabling amendments, a member of the Committee may also submit a memorandum or note containing his views on the Bill for the consideration of the Committee. Under the direction of the Committee Chairman such memoranda/notes are circulated to members of the Committee.

#### *Points of procedure*

The Chairman may from time to time issue such directions to the Committee Chairman as he may consider necessary for regulating the procedure and organising the work of the Committee.<sup>599</sup> If any doubt arises on any point of procedure or otherwise, the Committee Chairman may, if he thinks fit, refer the point to the Chairman whose decision is final.<sup>600</sup>

The Committee has the power to pass resolutions on matters of procedure relating to it for the consideration of the Chairman who may make such variations in the procedure as he may consider necessary.<sup>601</sup>

#### *Functioning of the Committee*

As the principle of the Bill is accepted by the House when it refers a Bill to a Committee, general discussion on the Bill as a whole is not permissible in the Committee. However, there have been instances when the Committees have held general discussion on the provisions of the Bill in the light of evidence tendered before the Committee.

The Joint Committees on the Plantations Labour (Amendment) Bill, 1973,<sup>602</sup> the Prevention of Food Adulteration (Amendment) Bill, 1974,<sup>603</sup> and the Central and other Societies (Regulation) Bill, 1974,<sup>604</sup> held general discussion on the various provisions of the Bills concerned.

Subject to this basic limitation, the powers of a Select/Joint Committee to make amendments to a Bill are wide and large. The Committee may amend a Bill including its long title and the short title.

The Joint Committee on the Indian Medicine and Homoeopathy Central Council Bill, 1968, changed the long and short titles of the Bill so as to confine the Bill only to the Central Council for Indian Medicine and recommended enacting of a separate Bill for Homoeopathy.<sup>605</sup>

Similarly, the Joint Committee on the Prevention of Water Pollution Bill, 1969, modified the long title of the Bill to include control of water pollution besides its prevention and changed the short title to Water (Prevention and Control of Pollution) Act.<sup>606</sup>

Likewise, the Committee may insert new provisions in the Bill or restrict the scope of the Bill. In appropriate cases, the Committee may recommend withdrawal of the Bill.

On an occasion, a member of the Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974 moved a resolution in the Committee with the permission of the Committee Chairman to recommend by the Committee that in view of the evidence tendered by an official witness before the Committee, the mover of the Bill might withdraw the Bill. After discussion, however, the resolution was withdrawn by the member.<sup>607</sup>

In the case of an amending Bill, amendments thereto are to be confined to the sections of the principal Act except where the clauses of the Bill necessarily lead to amendment or modification of any other sections of the principal Act which are intimately connected therewith. However, in view of this restriction, the Committee may, in appropriate cases, in its report make suggestion for the amendment of the principal Act.

For instance, the Joint Committee on the Plantations Labour (Amendment) Bill, 1973, made certain suggestions for amendment of the principal Act.<sup>608</sup>

The Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974, made certain suggestions for effective implementation of the principal Act, in an annexure to the report.<sup>609</sup>

Amendments to a Bill accepted by the Committee are incorporated in the Bill by the Legislative Counsel who attends the sittings of the Committee. The Committee generally authorises the Legislative Counsel to carry out changes in the Bill which are of minor or verbal or drafting or consequential nature. The draft report of the Committee is prepared by the Secretariat and sent to the Legislative Counsel for verification, vetting and return. His suggestions, if any, are suitably incorporated in the draft report. Thereafter, it is placed before the Committee Chairman and on his direction circulated to members of the Committee, representatives of the concerned Ministry as also the Legislative Counsel.

A record of the decisions of a Select Committee is maintained and circulated to members of the Committee under the directions of the Committee Chairman.<sup>610</sup> The minutes are appended to the report of the Committee and are laid on the Table as part of the report.

#### *Extension of time for report*

After the Committee has considered the Bill, it has to make a report thereon within the time fixed by the House.<sup>611</sup> As already stated, the motion referring the Bill to a Select/Joint Committee itself fixes the time

within which the Committee should report. However, where the House has not fixed any time for the presentation of the report, it is required to be presented before the expiry of three months from the date on which the House adopted the motion for reference of the Bill to the Committee.<sup>612</sup> The House 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.<sup>613</sup>

The Committee takes a decision from time to time about the time that would be needed to complete its work and authorises the Committee Chairman to move a motion for extension of time in the House before the expiry of the time fixed by the House originally or after grant of initial or subsequent extension(s). There have been occasions when motions for extension of time for presentation of reports of Committees have been opposed but later adopted after the concerned Chairmen had explained the position.

The motion for extension of time for presentation of the report of the Joint Committee on the Hindu Marriage and Divorce Bill, 1952, was opposed on the ground that it showed the way “the Government deals with the social legislation trying to postpone, whatever reasons they may give.” The motion was, however, adopted.<sup>614</sup>

A very interesting episode took place when the Minister for Law and Minority Affairs (Shri C.C. Biswas) moved a motion for further extension of time for the presentation of the report of the Joint Committee on the above Bill, upto the last day of the second week of the next session. Immediately after the motion was moved, a member opposed it. Thereupon Prime Minister, Shri Jawaharlal Nehru observed, “I should like this matter to be reconsidered. The Select Committee has been sitting indefinitely and comes to no decision at all. How are we to proceed? This is the second time that they have been asking for more time... I want that something should be done.” The Minister then explained the reasons for bringing the motion. The Chairman directed him to withdraw the motion and reconsider it. When a member pointed out that an insinuation had been made against the Committee, the Prime Minister pointed out that the Committee which was appointed during the last session was given three months to sit. “If they refuse to sit for three months; it is not the fault of this House. If they choose to sit only when the Houses are not meeting and if they cannot sit on Saturdays or Sundays because they are too tired, let others be appointed to the Select Committee.” When the Minister explained that the Committee was sitting day to day and had already held fourteen sittings, the Prime Minister observed: “...if they proceed at the pace at which they are proceeding, they may take roughly twenty years before they come to a decision.” The Chairman made the following observations:

“All the speeches hitherto made are completely irrelevant because I have not put the question to the House. As soon as Mr. Biswas moved his motion, the first thing I had to do was to put the motion before you could get up and talk. You had better withdraw the motion and reconsider the matter... You call the Select Committee to meet today, have the matter reconsidered there and then come forward with a fresh motion tomorrow morning. We will allow you to move it.”<sup>615</sup>

On the third day of the episode, a fresh motion was brought asking for extension of time upto the last day of the first week of the next session. The Law Minister explained in detail the working of the Committee. A member who was also a member of the Committee announced his resignation from the Committee in protest against Prime Minister’s remarks. The Prime Minister clarified his intention and expressed, “sorry” and apologised to any member of the Committee and also the Committee, if they felt in any sense hurt. He pleaded that having considered the matter, background and difficulties, the House should accept the motion moved, which was done. The member who had resigned also withdrew the resignation.<sup>616</sup>

When on another occasion, the motion for extension of time for the presentation of the report of the Joint Committee on the Foreign Contribution (Regulation) Bill, 1973, was moved, points were made about the extension sought. The Chairman observed, “On the basis of the little experience I have got during the last two sessions, I can say that some members want to go to some places. This is one of the reasons for the delay in the submission of report. If the House agrees, I will use my discretion and not allow the Committee to visit many places.”<sup>617</sup>

### Report

The report is drafted according to a set pattern established since long. In the introductory paragraphs general information about the Bill and the proceedings of the Committee are given *i.e.*, the date of introduction of the Bill, the date on which motion to refer the Bill to the Committee was moved, discussed and adopted in the House or the Houses, as the case may be; particulars of sittings held by the Committee; extension of time, if any, obtained for presentation of the report, etc. If any memoranda, etc. are received by the Committee, or any evidence is taken by the Committee or if any study tours are undertaken or study groups/sub-Committees are appointed, these facts are also mentioned.

In the main part of the report, the Committee makes observations on the changes made by it in various clauses of the Bill. The Committee also may make general observations or recommendations for the attention of the House/Government.

For instance, the Joint Committee on the Plantations Labour (Amendment) Bill, 1973, brought to the attention of the House the non-implementation of welfare measures for plantation labour.<sup>618</sup>

The Joint Committee on the Indian Medicine and Homoeopathy Central Council Bill, 1968, recommended that a separate Bill for the constitution of a Central Council for Homoeopathy be introduced in Parliament at an early date.<sup>619</sup>

The report finally concludes with the usual recommendation to the House that the Bill, or the Bill as amended by the Committee, be passed. Where the Bill has been altered, the Committee may, if it deems fit, make a recommendation to the member in-charge of the Bill that his next motion should be a motion for circulation of the Bill as amended by the Committee, or, where the Bill has been circulated, for its re-circulation.<sup>620</sup>

#### *Consideration of report and Bill, as amended, by the Committee*

The draft report and the Bill as amended are considered by the Committee at its last sitting. Thereafter, the Bill as amended is adopted by the Committee and the Committee then adopts the draft report. After these are adopted, the Committee fixes a date not beyond the one fixed by the House, for the presentation of the report, and the Committee authorises the Committee Chairman, or in his absence any other member, to present its report to the House. In the case of a Joint Committee, a member of the Lok Sabha, or in his absence any other member of that House, is chosen for laying a copy of the report on the Table of that House simultaneously with its presentation to the Rajya Sabha.

The report of the Committee is signed by the Chairman of the Committee on behalf of the Committee. If the Chairman of the Committee is absent or is not readily available, the Committee may choose another member to sign the report on behalf of the Committee.<sup>621</sup>

A date is also fixed by the Committee for sending the minutes of dissent, if any, to the Secretariat by a member of the Committee. The minutes of dissent, if any, are appended to the report before its presentation.

#### *Minutes of dissent*

Any member of the Committee may record a minute of dissent on any matter connected with the Bill or dealt with in the report.<sup>622</sup> Minutes of dissent are required to be given to the officer of the Committee or delivered in the Notice Office on or before the date and time fixed for this purpose by the Committee. The minutes of dissent may be in Hindi or English and are presented as such. It is permissible for members to give minutes of dissent jointly. A minute of dissent has to be couched in temperate and

decorous language and should not cast aspersion on the Committee. 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. Likewise the Chairman, Rajya Sabha 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.<sup>623</sup> As distinguished from the minute of dissent, a member may also give a Note on the report which is also appended to the report when it is presented to the House.

#### *Presentation of report*

The report of the Committee on a Bill together with the minutes of dissent, if any, are presented to the House by the Chairman of the Committee or in his absence by any member of the Committee.<sup>624</sup>

The report presented to the House generally consists of the list of members of the Committee, report of the Committee signed by the Chairman, minutes of dissent, if any, Bill as reported by the Committee, text(s) of the motion(s) adopted by the House(s) while referring the Bill to a Committee, report of the sub-Committee/study notes, if any, statements of memoranda received, list of witnesses who gave evidence before the Committee, minutes of sittings and any other important material made available to members, in the form of Annexures, etc.

In the case of a Joint Committee, an authenticated copy of the report is sent to the Lok Sabha Secretariat for being laid on the Table of the Lok Sabha, simultaneously with its presentation to the Rajya Sabha.

Ordinarily, the report of a Committee is to be presented to the House but in case the Committee completes its report when the House is not in session, the Committee Chairman may present it to the Chairman. In such a case, the fact is published in the Bulletin. The report is presented to the House during the next session at the first convenient opportunity by the Committee Chairman or in his absence by a member of the Committee. While presenting the report to the House the Committee Chairman or in his absence the member presenting the report can make a brief statement to the effect that the report was presented to the Chairman when the House was not in session and that orders for the printing, publication or circulation of the report were given by the Chairman.

Where the Committee ceases to exist after the presentation of the report to the Chairman and before its presentation to the House, the report is required to be laid by the Secretary-General on the Table of the

House at the first convenient opportunity. While laying the report, the Secretary-General has also to make a statement to the effect that the report was presented to the Chairman before the Committee ceased to exist and where the Chairman had ordered the report to be printed, published or circulated, the Secretary-General has to report that fact also to the House.<sup>625</sup>

In any other case, in presenting a report the Chairman of the Committee, or in his absence, the member presenting the report, if he makes any remarks, he has to confine himself to a brief statement of fact, but no debate can arise at this stage.<sup>626</sup>

While presenting the report of the Joint Committee on the Indian Medicine and Homoeopathy Central Council Bill, 1968, the Committee Chairman made observations regarding the Committee's unanimous recommendation for setting up two Central Councils instead of one as contained in the Bill referred to the Committee—one for the Indian Medicine and another for Homoeopathy.<sup>627</sup>

On another occasion, immediately after the report of the Select Committee on the Chit Funds Bill, 1982, was presented, members congratulated the Committee Chairman as also reference was made to the assertion by the Rajya Sabha of its rights (in referring a Bill passed by the Lok Sabha to a Select Committee of the House, when it was not associated at the Committee stage in the Lok Sabha).<sup>628</sup>

#### *Printing and publication of report*

The report of the Committee is printed and copies thereof are circulated to members. The report and the Bill as reported by the Committee is also published in the Gazette.<sup>629</sup>

The Chairman may order the printing, publication or circulation of a report presented to him when the House is not in session. This fact is published in the Bulletin. The fact that the report was ordered to be printed, etc. by the Chairman has to be mentioned by the Committee Chairman or the Secretary-General, as the case may be, as already mentioned, when the report is presented/laid on the Table when the House meets again.<sup>630</sup>

#### **IV. Department-related Parliamentary Standing Committees**

##### *Background*

The introduction of the Department-related Parliamentary Standing Committee System or Subject-Committees had been under the consideration of Parliament and various fora from time to time. For instance, the subject was discussed at the Presiding Officers' Conference held at Bhubaneswar in 1978 which appointed a Committee of Presiding Officers on "Committee System". The report of that Committee was considered and adopted at the

Conference held at Lucknow in 1985. A beginning was made by the Lok Sabha by setting up three Standing Committees, namely, on Agriculture, Science and Technology, and Environment and Forests.<sup>631</sup> The Committees consisted of 22 members—15 members from the Lok Sabha and 7 members from the Rajya Sabha—to be nominated by the respective Presiding Officers.<sup>632</sup>

The Committee on Rules of the Rajya Sabha also considered the matter and recommended constitution of three new Committees on Human Resource Development, Industry, and Labour along the lines of the three Committees mentioned above, consisting of members of both Houses of Parliament.<sup>633</sup> The House adopted the report of the Committee on 20 August 1992. Subsequently, the General Purposes Committee and the Committee on Rules together considered the entire matter *de novo*.<sup>634</sup> The subject was further discussed at a joint sitting of the Committees on Rules of the Rajya Sabha and the Lok Sabha, under the Chairmanship of the Chairman, Rajya Sabha, on 11 March 1993. As a result of these deliberations, a decision was taken to set up seventeen Department-related Parliamentary Standing Committees on various Ministries/ Departments of the Union Government.

In pursuance of the above decision, the Committee on Rules in its sixth Report recommended incorporation of the rules in the Rules of Procedure and Conduct of Business in the Rajya Sabha for the purpose.<sup>635</sup> The report of the Committee was adopted by the House on 29 March 1993, with some amendments. The new rules (268-277) relating to Department-related Parliamentary Standing Committees came into effect on 29 March 1993 itself, following a direction from the Chairman in the matter. The Department-related Committee System was inaugurated by the then Vice-President and Chairman, Rajya Sabha, Shri K.R. Narayanan on 31 March 1993, at a function held in the Central Hall, Parliament House, who described the system as “a new phase in the evolution of our parliamentary system... to ensure the accountability of Government to Parliament through more detailed consideration of measures in these Committees... The intention is not to weaken or criticise the administration but to strengthen it by investing it with more meaningful parliamentary support.”<sup>636</sup>

Accordingly, the seventeen Department-related Parliamentary Standing Committees were constituted by the Chairman, Rajya Sabha and the Speaker, Lok Sabha for the first time on 8 April 1993, by nominating members of the Rajya Sabha and the Lok Sabha, respectively to serve on them.

Thereafter, on 20 July 2004, seven more committees were added and subsequently necessary modifications were made under Rule 268 in the Third Schedule to the Rules of Procedure and Conduct of Business in the Council of States. As such, when new Ministries/Departments or when

nomenclature of a Ministry/Department is changed, amendments are made in the Third Schedule. The present position of the Department-related Parliamentary Standing Committees is as mentioned below:

Sl. No.	Name of Committee	Ministries
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, Forest and Climate Change
6.	Committee on Transport, Tourism and Culture	1. Civil Aviation 2. Road Transport and Highways 3. Shipping 4. Culture 5. Tourism
7.	Committee on Health and Family Welfare	1. Health and Family Welfare 2. Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH)
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

Sl. No.	Name of Committee	Ministries
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
16.	Committee on Labour	1. Labour and Employment 2. Textiles 3. Skill Development and Entrepreneurship
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 Employment and Poverty Alleviation
20.	Committee on Water Resources	Water Resources, River Development and Ganga Rejuvenation
21.	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22.	Committee on Rural Development	1. Rural Development 2. Drinking Water and Sanitation 3. 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

These Committees have been specified in a Schedule to the Rules of Procedure.<sup>637</sup> The Chairman and the Speaker have been given the power to alter the Schedule from time to time in consultation with each other.<sup>638</sup>

### *Constitution*

Each of these Committees consists of not more than 31 members – 10 members nominated by the Chairman and 21 members nominated by the Speaker – from amongst the members of the respective Houses. A member appointed as a Minister is, however, not nominated or does not continue, as a member of the Committee.<sup>639</sup>

The general method adopted for constitution/reconstitution of these Committees is that the seats for allocation in all the twenty-four Committees are worked out on the basis of the respective strength of various parties/groups in the Rajya Sabha. Since the number of seats in the Committees is approximately same as the total number of members of the Rajya Sabha and also since Ministers are excluded from the membership of Committees, sometimes all the seats in all the Committees may not be filled. In view of this, there are occasions where one member is nominated on more than one Committee. After working out the total slots available to parties, the *inter se* distribution of seats in various Committees for parties is calculated and the leaders of parties are requested to intimate the preferences of their members for nomination to the respective Standing Committees as per the allocation of seats.<sup>640</sup>

The Chairman of each of the Committees specified in Part-I above is appointed by the Chairman from amongst members of the respective Committees and the Chairman of each of the Committees specified in Part II is appointed by the Speaker.<sup>641</sup> Like membership of the Committees, the Chairmanship thereof is also shared between the ruling party/parties and the major opposition parties. Of the Committees constituted for the first time in April 1993, the Chairmanship of Committees on Home Affairs and Science and Technology, Environment and Forests was with the ruling party members and those of the Committees on Commerce, Industry and Transport and Tourism were with the opposition members. The Chairmanship of Committee on Human Resource Development was with an Independent (unattached) member. A member of the Committee holds office for a term not exceeding one year.<sup>642</sup>

### *Functions*

The function of the Committees is to consider the Demands for Grants of the related Ministries/Departments and to report thereon. However, the Committees cannot suggest anything of the nature of cut motions.<sup>643</sup> The procedure followed by the Committees in this respect is that after the

general discussion on the Budget in the Houses is over, the Houses are adjourned for a fixed period. During this period, the Committees consider the Demands for Grants of the related Ministries and present their reports within the specified period. There is a separate report on the Demands for Grants of each Ministry.<sup>644</sup>

There have been four instances when the Demands for Grants were not referred to the Department-related Parliamentary Standing Committees—in the year 2006, during the 207<sup>th</sup> Session, due to the impending Assembly Elections in five States; in the year 2009, during the 217<sup>th</sup> Session, due to the delay in the constitution of the DRSCs; in the year 2011, during the 222<sup>nd</sup> Session, due to Assembly Elections in five States; and in the year 2014, during the 232<sup>nd</sup> Session, due to the constitution of the Sixteenth Lok Sabha after the General Elections. On all four occasions, the motion for suspension of rule 272 of the Rules of Procedure and Conduct of Business in the Council of States in its application to consideration of Demands for Grants by the Department-related Parliamentary Standing Committees, was moved by the Minister of Parliamentary Affairs.<sup>645</sup>

In 1993, after the formation of the Committees, both the Houses adjourned on 31 March; the Lok Sabha reassembled on 19 April and the Rajya Sabha a week later (separate session). Thus, about three weeks were devoted to the consideration of the Demands for Grants in the Committees.

In 1994, the Houses adjourned on 18 March to meet again on 18 April and in 1995, the Houses adjourned on 31 March till 24 April for the consideration of Demands for Grants in the Committees.

In 1996, after the General Elections, the Budget was presented on 22 July 1996. The House adjourned on 2 August 1996 till 26 August 1996 for consideration of Demands for Grants in Committees.

The Committees also examine Bills, pertaining to the related Ministries/ Departments, referred to them by the Chairman or the Speaker, as the case may be, and report thereon.<sup>646</sup> Generally, the Committees examine only such Bills introduced in either House, as are referred to them by the respective Presiding Officers.<sup>647</sup> There have, however, been instances when Bills have been referred to Committees even at the pre-introduction stage.<sup>648</sup> The Bills are referred to the Committees concerned by the Presiding Officers in consultation with each other. Whenever a Bill is referred to any of these Committees, members are informed through a paragraph in the Parliamentary Bulletin.<sup>649</sup>

The Committees consider the general principles and clauses of the Bill referred to them and make report thereon within such time as may be specified by the Chairman/Speaker.<sup>650</sup>

The Criminal Law Amendment Bill, 1995, as introduced in the Rajya Sabha, was referred to the Committee on Home Affairs. While doing so, the Chairman desired that the Committee should submit its report within two days.<sup>651</sup>

The Representation of the People (Amendment) Bill, 1995, as introduced in the Rajya Sabha was also referred to the Committee on Home Affairs. The Chairman desired that the Committee should submit its report at the earliest so that the Bill could be passed during that session of Parliament.<sup>652</sup>

There may, however, be occasions when it may not be possible for the Committees to present their reports on the Bill referred to them within the stipulated period. On such occasions, Committees approach Chairman for seeking an extension of time for making a report on the Bill.

The Lotteries (Regulation) Bill, 1998, as introduced in the Lok Sabha on 27 May 1998 was referred to the Committee on Home Affairs on 10 June 1998. While doing so, the Chairman, Rajya Sabha desired that the Committee should submit its Report by 3 July 1998.<sup>653</sup> However, the Committee felt that it would not be possible to present the report on the Bill within the stipulated period. Therefore, it sought an extension of time from the Chairman, Rajya Sabha who granted the extension upto 6 July 1998.<sup>654</sup>

The Lok Pal Bill, 1998, as introduced in the Lok Sabha on 3 August 1998, was referred to the Committee on Home Affairs on 7 December 1998. While doing so, the Chairman, Rajya Sabha desired that the Committee should submit its report by 11 December 1998.<sup>655</sup> However, the Committee felt that it would not be possible to present the report on the Bill within the stipulated period. Therefore, it sought an extension of time from the Chairman, Rajya Sabha who granted extension upto the last day of the first week of Budget Session of 1999.<sup>656</sup>

The Central Vigilance Commission Bill, 1998, as introduced in the Lok Sabha on 7 December 1998, was referred to the Committee on Home Affairs on 10 December 1998. While doing so, the Chairman, Rajya Sabha desired that the Committee should submit its report by 16 December 1998.<sup>657</sup> However, the Committee felt that it would not be possible to present the report on the Bill within the stipulated period. Therefore, it sought an extension of time from the Chairman, Rajya Sabha who granted extension upto the last day of the first week of Budget Session of 1999.<sup>658</sup>

The Civil Aviation Authority of India Bill, 2013 was referred by the Chairman, Rajya Sabha, to the Committee on Transport, Tourism and Culture on the 18 September 2013 for examination and report within two months *i.e.* by 17 November 2013. However, the Committee felt it would not be possible to present the report on the Bill within the

stipulated period, as the Bill was a lengthy one and the Committee was yet to hear important stakeholders associated with the Bill. Accordingly, Chairman of the Committee requested extension of time for three months *i.e.* upto 17 February 2014. However, the Chairman granted an extension of time upto the 17 January 2014 *i.e.* for two months for presentation of the report on the aforesaid Bill.

The Ministries/Departments of the Government of India prepare annual reports on their working. These are circulated to members through the Secretariat to facilitate discussion of the Demands for Grants/Appropriation Bills. It is the function of the Committees to consider these annual reports of the Ministries/Departments and report thereon.<sup>659</sup> Generally, the Committees select issues/topics dealt with in the annual reports for in-depth study and report thereon.

It is also the function of the Committee to consider national basic long term policy documents presented to the Houses,<sup>660</sup> if referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon.<sup>661</sup>

The Minister of State in the Ministry of Science and Technology sent a copy of the Draft Paper on a New Technology Policy to the Chairman with the request to refer it to the Committee on Science and Technology, Environment and Forests for views. The Minister was advised to comply with rule 270(d) and have the document laid on the Table first. Nothing further was heard in the matter.<sup>662</sup>

#### *Matters not to be considered by the Committee*

The Rules have put the following two restrictions on the Committee's functions:

- (i) a Committee shall not consider matters of day-to-day administration of the related Ministries/Departments;<sup>663</sup> and
- (ii) a Committee shall not ordinarily consider matters within the purview of any other Parliamentary Committee.<sup>664</sup>

On an occasion, when the Committee on Science and Technology, Environment and Forests wanted to take up R and D aspects of Atomic Energy, the Chairman ruled in the file that since another Standing Committee (on Energy) was dealing with atomic energy, it would be embarrassing to discuss the same subject in Science and Technology Committee.<sup>665</sup>

#### *Reports*

The reports of the Committees are based on broad consensus.<sup>666</sup> However, a member of any of these Committees may record a minute of dissent on the report of the Committee.<sup>667</sup> The reports of the Committees,

together with the minutes of dissent, if any, are presented to the Houses.<sup>668</sup> The reports of these Committees can also be presented to the Chairman, if the House is not in session and later presented to the House by the Committee Chairman/Secretary-General, when the House meets.<sup>669</sup>

The Chairman of the Committee on Transport and Tourism (Shri Pramod Mahajan) presented the twentieth Report of the Committee regarding privatisation policy in regard to Major Ports to the Chairman on 25 January 1996, as the House was not in session.<sup>670</sup> Subsequently, the report was laid on the Table of the Lok Sabha on 27 February 1996 and presented to the Rajya Sabha next day.<sup>671</sup>

Similarly, the Chairman of the Committee on Human Resource Development (Shri P. Upendra) presented the Committee's forty-first Report on the Private Universities (Establishment and Regulation) Bill, 1995, to the Chairman on 26 March 1996, when the House was not in session. Subsequently, the report was laid on the Table of the Lok Sabha and presented to the Rajya Sabha on 29 August 1996 by a member of the newly constituted Committee.<sup>672</sup>

The twenty-ninth, thirtieth and thirty-first Reports of the Committee on Home Affairs could not be presented to the House/Chairman; as the Committee's term expired on 7 April 1996. The Chairman directed that the reports be laid on the Table (by the Secretary-General) when the Rajya Sabha met again which was accordingly done.<sup>673</sup>

Since 1966, Chairmen of different Department-related Committees presented Reports of the respective Committees to the Chairman, Rajya Sabha, during inter-session period. This practice has now been commonly followed.<sup>674</sup>

The reports of the Department-related Standing Committees have persuasive value and are treated as considered advice given by the Committees.<sup>675</sup> Nonetheless the Committees, like other Standing Committees do take follow-up action on the implementation of their recommendations.

For instance, the Committee on Transport and Tourism took a serious view of the inordinate delay in the implementation of the Committee's recommendations and after discussion decided that three month's time would be enough for Government to implement Committee's recommendations.<sup>676</sup>

After adoption of the report by the Committee, instructions, if any, from the Chairman of the Committee to modify the final report should be brought to the notice of the Secretary-General. The Chairperson of the Committee should invariably follow up their verbal instructions of such nature in writing to the Secretariat so that there is no room for any misgivings.

The 212<sup>th</sup> Report of the Committee on Science and Technology, Environment and Forests, after its adoption by the Committee, was modified by the Secretariat on the instructions of the Chairman of the Committee leading to some criticism about the functioning of the Secretariat. The Chairman, Rajya Sabha then gave the direction that to obviate any criticism on the functioning of the Secretariat after adoption of the report by the Committee, instructions from the Chairman of the Committee to modify the final report should be brought to the notice of the Secretary-General.<sup>677</sup> The Chairperson of the Committee should invariably follow up their verbal instructions of such nature in writing to the staff so that there is no room for any misgivings.

#### *Applicability of Select Committee Rules*

The rules relating to the Department-related Parliamentary Standing Committees are not exhaustive. Hence, in other respects the rules relating to Select Committees on Bills in the Rajya Sabha apply *mutatis mutandis* to the Standing Committees functioning under the jurisdiction of the Rajya Sabha. As regards the Committees functioning under the jurisdiction of the Lok Sabha, general rules applicable to other Parliamentary Committees in the Lok Sabha apply to the Department-related Committees also.<sup>678</sup>

#### *Chairman's direction regarding Committee meetings*

The Chairman can also give directions under the Rules of Procedure and Conduct of Business in the Rajya Sabha regarding the meetings of the Committees. For instance, on 8 December 2000, the Chairman made the following direction:

“Unless the Chairman otherwise permits, no sitting of a Committee shall be held after the commencement of a sitting of the Council and before 15.00 hours on the days when the Council is sitting.”<sup>679</sup>

### **V. Financial and other Committees on which Rajya Sabha is represented**

There are Committees which are initiated by the Lok Sabha and provided for in the Rules of Procedure and Conduct of Business of that House. However, members of the Rajya Sabha are also associated with those Committees. These Committees are described briefly below:

#### *(a) Committee on Public Accounts*

The Committee consists of not more than fifteen members from the Lok Sabha and seven members from the Rajya Sabha for being associated with the Committee.<sup>680</sup> They are elected by the respective Houses every year from amongst their members according to the principle of proportional representation by means of the single transferable vote.

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The term of office of members of the Committee is one year; it can, however, be extended in a special case by a motion adopted by the Houses.

A motion extending the term of the Public Accounts Committee upto 30 April 1968 was adopted, as the term of the Committee was to expire on 31 March that year. The motion was moved by the Minister of Parliamentary Affairs. By an amendment, members who would retire on 2 April that year, were excluded.<sup>681</sup>

A new Committee is elected every year before the expiry of the term of office of the outgoing Committee, but it enters upon office only on the expiry of the term of the previous Committee. Usually, the Committee is set up in May every year and its term expires on 30 April of the following year. A motion is moved in the Lok Sabha requesting the Rajya Sabha to join the Committee and nominate seven members to associate with the Committee. The message in respect of the motion upon receipt from the Lok Sabha is reported to the House by the Secretary-General.<sup>682</sup> Thereafter, the Minister of Parliamentary Affairs moves a motion for election of seven members which is adopted.<sup>683</sup> Then the programme of election of seven members is fixed and notified in the Parliamentary Bulletin.<sup>684</sup> The result of election is notified in the Parliamentary Bulletin<sup>685</sup> and a message conveying the names of members of the Rajya Sabha elected to serve on the Committee is sent to the Lok Sabha.

Casual vacancies in the Committee are filled on a motion moved in the Rajya Sabha. When a member of the Rajya Sabha serving on the Committee retires, the vacancy caused in the Committee by such retirement is filled by nominating another member of the Rajya Sabha. In such a case, a motion is moved in the Lok Sabha recommending to the Rajya Sabha to nominate another member for the remaining term of the Committee.

The PAC may appoint one or more sub-Committees, each having the powers of the undivided Committee, to examine any matter that may be referred to them, and the reports of the said sub-Committee shall be deemed to be the reports of the whole Committee. The Chairperson of the Committee shall appoint the Convenor of the sub-Committee. After the report is finalised by the sub-Committee, it shall be submitted to the Chairperson, PAC. Copies of the draft report shall be made available to all members of the Committee before they meet to consider and adopt the report of the sub-Committee.

The main function of the Committee is to examine the Appropriation Accounts and the annual Finance Accounts of the Government of India and such other Accounts laid before Parliament as the Committee may think fit. The Committee also examines statements of accounts of corporations,

autonomous and semi-autonomous bodies (excluding public undertakings which have been allotted to the Committee on Public Undertakings).<sup>686</sup>

The report of the Committee is laid on the Table of the House simultaneously with its presentation to the Lok Sabha. Generally, the Committee's reports are not discussed unless there is a specific issue of serious nature.

On 27 August 1966, a motion (which was earlier admitted as a no-day-yet-named motion)<sup>687</sup> was moved "that the fifty-fifth Report of the Public Accounts Committee with reference to the observations of the Committee contained in para 4.128 of the fiftieth Report of the Public Accounts Committee be taken into consideration". There were two amendments moved to the motion. After discussion, the amendments were withdrawn and the discussion concluded.<sup>688</sup>

Earlier in relation to the above report, a member of the Committee laid on the Table a copy of the verbatim proceedings of the twenty eighth sitting of the Public Accounts Committee on 1 August 1966, containing the evidence given by the Minister of Food, Agriculture, Community Development and Cooperation.<sup>689</sup> (That report arose out of the Minister's statement in the Lok Sabha on 18 May 1966 regarding para 4.128 of the fiftieth Report.)

There have also been occasions when Ministers have made statements in the House on the observations made in the reports of the Public Accounts Committee.

The Minister for Revenue and Civil Expenditure made a statement on certain observations made by the Committee in its ninth Report in connection with orders placed for certain jeeps in London and for certain defence stores in the continent in 1948 for the Defence Services.<sup>690</sup>

The Minister of Finance made a statement regarding certain observations contained in the fiftieth Report of the Committee in respect of certain barter deals with and by Iron and Steel Controller.<sup>691</sup>

*(b) Committee on Public Undertakings*

The Committee consists of fifteen members of the Lok Sabha and seven members of the Rajya Sabha for being associated with the Committee.<sup>692</sup> The procedure in this respect is the same as is adopted in the case of Public Accounts Committee.<sup>693</sup> The term of office of members of the Committee is one year; it can, however, be extended in a special case by a motion adopted by the Houses.<sup>694</sup>

The functions of the Committee are to examine the working of the Public Undertakings specified in the Fourth Schedule to the Rules of

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Procedure and Conduct of Business in the Lok Sabha. Every report of the Committee is laid on the Table of the Rajya Sabha simultaneously with its presentation to the Lok Sabha.<sup>695</sup>

On an occasion, statements were laid on the Table showing the replies of Government to the recommendations made in a report of the Committee on Public Undertakings (as well as in a report of the Estimates Committee) which were not furnished by Government in time for inclusion in the report(s) of the Committee(s).<sup>696</sup>

A motion for constitution of a Joint Committee on State Undertakings was moved in the Lok Sabha on 24 November 1961. A point of order was raised objecting to inclusion of members of the Rajya Sabha in the Committee. The Law Minister opposed the point of order. The motion was not discussed further. It lapsed on the dissolution of the Lok Sabha. Two motions on the subject were also included in the list of business of the Lok Sabha for 28 August 1962. The first was for the constitution of a Committee on Public Undertakings and the second provided that when the Committee would discharge the functions which fell within the purview of the Estimates Committee, it would function with the Lok Sabha members only.

The matter was raised in the Rajya Sabha on 27 August 1962. The motion was not pursued further in the Lok Sabha. On 21 September 1963, two new motions were moved and discussed in the Lok Sabha removing the objectionable portion from the motions. The motions as amended were adopted on 20 November 1963 by the Lok Sabha. The Rajya Sabha discussed the motion on 26, 27 and 28 November 1963 and adopted the same on 2 December 1963, and started joining the Committee.

The Committee had often felt the need to bring out before the Parliament the deficiencies relating to the functioning of Public Undertakings that come to notice during their study visits and to make observations/recommendations to the Government for overcoming the deficiencies noticed and for toning up the functioning of the Undertakings concerned.

Consequently, the matter was considered in detail by the Committee at their sitting held on 7 September 2000 and a resolution passed under rule 281 of the 'Rules of Procedures and Conduct of Business in Lok Sabha' to prepare and lay their Study Tour Reports on the Table of the two Houses of Parliament and submitted the same for the consideration and orders of the Speaker. The Speaker accorded approval in the matter on 20 November 2000 and since then, the Committee have been laying their Study Tour Reports on the Table of the Rajya Sabha simultaneously with their presentation to the Lok Sabha.

(c) *Railway Convention Committee*

The Railway Convention Committee is an *ad hoc* Committee constituted to review the rate of dividend which is payable by the railway undertaking to the general revenues as well as other ancillary matters in connection with railway finance *vis-a-vis* general finance and make recommendations thereon. However, over the years the Committee has also been examining various aspects of the working of railways and railway finances. Apart from recommending the rate of dividend payable by the Railways to the general revenues, it also suggests the level of appropriation to various funds of Railways like the Depreciation Reserve Fund, the Development Fund, the Pension Fund, the Capital Fund and the Safety Fund. The Committee of 1949, 1954, 1960 and 1965 confined themselves only to the question of determining the rate of dividend payable by the Railway undertaking during the succeeding quinquennium. Since 1971, for the first time, the Railway Convention Committee has, in addition to recommending the rate of dividend payable by the Railways to the general revenues, also been taking up other subjects for detailed examination having a bearing on the working of Railways and Railway finances. There are no separate rules made for the functioning of the Committee in the Rules of Procedure and Conduct of Business in the Lok Sabha. The Committee functions more or less on the same lines as Financial Committees of the Lok Sabha for which there exist rules.

The Committee is constituted from time to time by a resolution moved in the Lok Sabha by Government and concurred in by the Rajya Sabha.<sup>697</sup> It consists of eighteen members of whom twelve members of the Lok Sabha are nominated by the Speaker and six members of the Rajya Sabha are nominated by the Chairman. The Ministers of Finance and Railways<sup>698</sup> are generally among the members nominated to the Committee. The Committee once constituted functions till the dissolution of the Lok Sabha unless it presents its final report earlier, and thus become *functus officio*.<sup>699</sup>

The Committee presents its reports from time to time. The report is discussed in the House in the form of a resolution moved by the Minister of Railways approving the recommendations contained in the report, along with the general discussion on the Railway Budget and is adopted.<sup>700</sup>

On an occasion, the Rajya Sabha passed a resolution that the period for the continuance in force of the recommendations of the Railway Convention Committee, 1954 approved by the House by a resolution adopted on 21 December 1954 be extended by one year upto 31 March 1961.<sup>701</sup>

(d) *Committee on the Welfare of Scheduled Castes and Scheduled Tribes*

The Committee consists of thirty members—twenty from the Lok Sabha and ten from the Rajya Sabha—elected by the respective Houses according to the principle of proportional representation by means of the single transferable vote. The term of office of the Committee is one year.<sup>702</sup>

The functions of the Committee are to consider reports of the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes submitted under article 338(5)(d) and 338A(5)(d), respectively of the Constitution and to report to the Parliament as to the measures that should be taken by the Union Government and action already taken by Government on the measures proposed by the Committee; to examine the measures taken by Government to secure due representation of the SC/ST in services, etc. and to report on the working of welfare measures for SCs/STs.<sup>703</sup>

The Committee is generally reconstituted for the term beginning on 1 May and ending on 30 April of the following year. A motion is moved and adopted for the purpose in the Lok Sabha recommending to the Rajya Sabha to nominate ten members on the Committee. The Lok Sabha message in respect of the motion is reported to the House by the Secretary-General. The names of the Rajya Sabha members elected to the Committee are conveyed by a message to the Lok Sabha by the Secretary-General.

(e) *Committee on Welfare of Other Backward Classes (OBCs)*<sup>704</sup>

The Committee is constituted on adoption of a motion by the Lok Sabha and concurred in by the Rajya Sabha. The Committee consists of thirty members – twenty from the Lok Sabha and ten from the Rajya Sabha – elected by the respective Houses according to the principle of proportional representation by the means of the single transferable vote. The term of office of the Committee is one year from the date of its first meeting.

The functions of the Committee are to consider reports of the National Commission for Backward Classes, set up under the National Commission for Backward Classes Act, 1993 and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the Administrations of the Union territories as well as the action taken by them on the measures proposed by the Committee; to examine the measures taken by the Union Government to secure due representation of OBCs, particularly the Most Backward Classes, in service and posts under its control (including appointments in public sector undertakings, statutory and semi-Government bodies and in the Union territories; to consider generally

and to report to both the Houses on all matters concerning the welfare of OBCs which fall within the purview of the Union Government, including the Administrations of UTs/and to examine such matters as may be deemed fit by the Committee or are specifically referred to it by the House or the Speaker.

The Committee is constituted for one year at a time. The process of constitution is the same as that of the Committee on Public Accounts, Committee on Public Undertakings and Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

*(f) Joint Committee on Offices of Profit*

The Committee is constituted on adoption of a motion to that effect by the Lok Sabha and concurred in by the Rajya Sabha. The Committee consists of fifteen members—ten from the Lok Sabha and five from the Rajya Sabha—elected by respective Houses according to the principle of proportional representation by means of the single transferable vote. The Committee is constituted for the duration of each Lok Sabha.

The function of the Committee is generally to examine the composition and character of Government Committees and to recommend in relation to them which offices should or should not disqualify holders thereof for being chosen as and for being a Member of Parliament under article 102[I(a)] of the Constitution. The Committee also recommends from time to time any amendments in the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 as amended from time to time. The Committee's report is presented to the Lok Sabha and laid on the Table of the Rajya Sabha simultaneously.<sup>705</sup>

*(g) Library Committee*

A Library Committee is constituted every year by the Speaker, Lok Sabha, to advise him on all matters concerning the developments of Parliament Library. The Committee, at present, consists of six members from Lok Sabha nominated by the Speaker and three members from the Rajya Sabha, nominated by the Chairman of the Rajya Sabha. The Chairperson of the Committee is appointed by the Speaker from amongst members of the Committee, provided that the Deputy Speaker, in case is a member of the Committee, shall be appointed as the Chairperson of the Committee. Casual vacancies in the Committee are filled by nomination by the Speaker in respect of the members from Lok Sabha, and by the Chairman of Rajya Sabha in respect of the members from Rajya Sabha. The Library Committee keeps a watch on the quality and quantum of all acquisitions of the Library and gives comments and suggestions to further improve the functioning of the Library and its ancillary services. The Committee holds office for a term not exceeding one year.

(h) *Committee on Empowerment of Women*

In pursuance of the resolutions moved in both the Houses of Parliament, the Rules Committee (Eleventh Lok Sabha) in their second Report laid in Lok Sabha on 6 March 1997 recommended for the constitution of the Committee for improving the status of women. The Committee on Empowerment of Women was constituted for the first time on 29 April 1997.

The Committee consists of not more than thirty members, twenty members nominated by the Speaker from amongst members of Lok Sabha and ten members nominated by the Chairman, Rajya Sabha from amongst members of Rajya Sabha.

The term of office of members of the Committee is one year. The functions of the Committee on Empowerment of Women are:<sup>706</sup>

- (i) to consider the report submitted by the National Commission for Women and to report on the measures that should be taken by the Union Government for improving the status/conditions of women in respect of matters within the purview of the Union Government including the Administrations of the Union territories;
- (ii) to examine the measures taken by the Union Government to secure for women equality, status and dignity in all matters;
- (iii) to examine the measures taken by the Union Government for comprehensive education and adequate representation of women in legislative bodies/services and other fields;
- (iv) to report on the working of the welfare programmes for women;
- (v) to report on the action taken by the Union Government and Administration of the Union territories on the measures proposed by the Committee; and
- (vi) to examine such other matters as may deem fit to the Committee or are specifically referred to it by the Lok Sabha or the Speaker and the Rajya Sabha or the Chairman.

The report of the Committee is presented to Lok Sabha and a copy thereof is simultaneously laid on the Table of Rajya Sabha.

## **VI. Statutory Joint Committees**

(a) *Joint Committee on Salaries and Allowances of Members of Parliament*

The Joint Committee on Salaries and Allowances of Members of Parliament is a statutory Committee constituted under the Salary, Allowances

and Pension of Members of Parliament Act, 1954, for the purpose of making rules under that Act.<sup>707</sup> It consists of five members from the Rajya Sabha nominated by the Chairman and ten members from the Lok Sabha nominated by the Speaker. A member of the Joint Committee holds office for one year from the date of his nomination and any casual vacancy in the Joint Committee is filled by nomination by the Chairman or the Speaker, as the case may be.<sup>708</sup> The Joint Committee elects its own Chairman.<sup>709</sup> The Committee has also been empowered to regulate its procedure.<sup>710</sup> The Committee does not present any report.

The function of the Committee is to make, after consultation with the Central Government, rules to provide for matters like medical, housing, telephone facilities, etc. and generally for regulating the payment of various allowances to which Members of Parliament are entitled under the Act.<sup>711</sup> The rules made by the Committee do not take effect until they are approved and confirmed by the Presiding Officers of both the Houses and are published in the Gazette.<sup>712</sup>

(b) *Joint Parliamentary Committee on Official Language*

The Official Language Committee has been set up by a resolution adopted in both Houses of Parliament in 1975.<sup>713</sup> The Committee consists of thirty members—twenty from the Lok Sabha and ten from the Rajya Sabha—elected by the system of proportional representation by means of the single transferable vote. The Committee reviews the progress made in the use of Hindi for the official purposes of the Union and submits a report to the President making recommendations thereon.<sup>714</sup> The motion for election of the Committee was adopted on 22 January 1976 and members of the Rajya Sabha were elected to serve on the Committee on 29 January 1976.<sup>715</sup>

(c) *Ad hoc Joint Committee on Judges (Inquiry) Rules, 1969*

A Joint Committee of both Houses of Parliament was constituted for making rules under the Judges (Inquiry) Act, 1968. It consisted of ten members from the Lok Sabha and five from the Rajya Sabha, nominated by the respective Presiding Officers.<sup>716</sup>

(d) *Ad hoc Consultative Committees under State Legislature (Delegation of Powers) Acts*

Whenever power is conferred on the President to make laws under a Proclamation in respect of a State, under article 356 of the Constitution, Parliament enacts a State Legislature (Delegation of Powers) Act for the purpose. It is provided in that Act that the President may whenever he considers it practicable to do so, consult a Committee of Members of

Parliament to be nominated by the respective Presiding Officers. On a number of occasions such Committees have been constituted.<sup>717</sup>

### VII. *Ad hoc* Committees

Apart from the Committees mentioned above, Committees may be set up on *ad hoc* basis to enquire into and report on specific matters or subjects. Such Committees may be constituted either (i) by the House on a motion moved and adopted, or (ii) by the Chairman on the basis of the desire or consensus in the House, or (iii) jointly by both the Houses on the motion adopted by one House and concurred in by the other, or (iv) by the Presiding Officers of both the Houses in consultation with each other. They are called *ad hoc* Committees because they become *functus officio* after presentation of the report or conclusion of the assigned function or by efflux of time. *Ad hoc* Committees have been set up from time to time by all these modes as may be seen from the instances given below:

- (i) *Committee constituted by Rajya Sabha*: The Rajya Sabha adopted a motion moved by the Minister of State in the Ministry of Home Affairs, Department of Personnel and Department of Parliamentary Affairs to appoint a Committee consisting of ten members to investigate the conduct and activities of a member of the Rajya Sabha (Subramanian Swamy's case).<sup>718</sup>
- (ii) *Committees appointed by the Chairman*: The Chairman appointed a Railway Wagons Committee to examine all the aspects relating to procurement of railway wagons, as desired by the House in the course of interpellations on a question on the subject, another Committee on the problems of cotton growers which was a subject-matter of a calling attention on 26 July 1996 and yet another Committee on the functioning of Wakf Boards on which also there was a calling attention on 9 September 1996.<sup>719</sup>
- (iii) *Joint Committees appointed by motions*: Some of the Committees set up under this heading are as follows:
  - (1) Committees on Draft Second Five Year Plan (1956) were constituted on a motion adopted by the Lok Sabha on 11 May 1956 and concurred in by the Rajya Sabha on 14 May 1956.<sup>720</sup>
  - (2) A Committee of Parliament on Official Language was constituted on a Government motion under article 344(4) of the Constitution to examine the recommendations of the Official Language Commission and to report to the President its opinion thereon under article 344(5)<sup>721</sup>

- (3) A Joint Committee on Amendments to Election Law (1971) was appointed in pursuance of a motion adopted by the Lok Sabha on 22 June 1971 and concurred in by the Rajya Sabha on 25 June 1971.<sup>722</sup>
- (4) A Joint Committee to examine the working of the Dowry Prohibition Act, 1961 (1980), was constituted in pursuance of a motion adopted by the Lok Sabha on 19 December 1980 and concurred in by the Rajya Sabha on 24 December 1980.<sup>723</sup>
- (5) A Joint Parliamentary Committee (JPC) consisting of thirty members— twenty from the Lok Sabha and ten from the Rajya Sabha—was constituted (1987) to enquire into Bofors Contract in pursuance of a motion adopted by the Lok Sabha on 6 August 1987 and concurred in by the Rajya Sabha on 12 August 1987.<sup>724</sup>

The report of this Committee was discussed in the House on 11 and 12 May 1988 by way of a short duration discussion. When points were raised regarding the modality of discussing such a report, the Deputy Chairman observed:

It is a Parliamentary Committee report. Such reports are generally placed before the House and are not discussed. However, taking into consideration the importance of the subject-matter, as an exception, we are taking up this report for discussion and it was thought more appropriate to discuss it by way of a short duration discussion than by way of a motion.<sup>725</sup>

- (6) A Joint Parliamentary Committee on Securities Scam, consisting of thirty members—twenty from the Lok Sabha and ten from the Rajya Sabha—was constituted (1992) in pursuance of a motion adopted by the Lok Sabha on 6 August 1992, and concurred in by the Rajya Sabha on 7 August 1992.<sup>726</sup> The report of this Committee was also discussed by way of a short duration discussion on 29 and 30 December 1993.
- (7) A Joint Parliamentary Committee (JPC) on Stock Market Scam and matters relating thereto, consisting of thirty members—twenty from the Lok Sabha and ten from Rajya Sabha—was constituted (2001) in pursuance of a motion adopted by the Lok Sabha on 26 April 2001, and concurred in by the Rajya Sabha on the same date.<sup>727</sup>
- (8) A Joint Parliamentary Committee (JPC) to examine matters relating to Allocation and Pricing of Telecom Licenses and

Spectrum—Twenty from the Lok Sabha and ten from Rajya Sabha—was constituted (2011) in pursuance of a motion adopted by the Lok Sabha on 24 February 2011 and concurred in by the Rajya Sabha on 1 March 2011.<sup>728</sup>

- (9) On the 27 February 2013 a motion was moved in the Rajya Sabha that a Joint Committee of both the Houses consisting of 30 members, 10 members from Rajya Sabha and 20 members from Lok Sabha, be appointed to inquire into the Allegations of Payment of Bribes in the Acquisition of VVIP Helicopters by the Ministry of Defence from M/s Augusta Westland and the Role of Alleged Middlemen in the Transaction and it was adopted by the House. The message from Rajya Sabha was reported in the Lok Sabha on the 4 March 2013. However, the Joint Committee was not constituted.<sup>729</sup>

(iv) *Joint Committees appointed by Presiding Officers:* The following Committees were appointed by the Presiding Officers from time to time in consultation with each other:

- (1) Committee on inscriptions in the Parliament House.<sup>730</sup>
- (2) Committee to fix Hindi equivalents for parliamentary, legal and administrative terms.<sup>731</sup>
- (3) Committees on Draft Third, Fourth and Fifth Five Year Plans.<sup>732</sup>
- (4) Committees on construction of additional parliamentary building and portraits and statues in Parliament House.<sup>733</sup>
- (5) Committee to examine the working of catering establishments in the Parliament House.<sup>734</sup>
- (6) Committee of Members of Parliament to bring about reconciliation between Nirankaris and Akalis (1983).

Originally, the Committee to be set up by the Speaker was to consist of nine Members of Parliament as per the announcement made in the Lok Sabha on 26 August 1983. Subsequently, it was decided to broad-base the Committee and make it a Joint Committee of twenty-two members— fifteen from the Lok Sabha and seven from the Rajya Sabha. The Committee was to function under the Rajya Sabha rules. The Committee Chairman was to be elected by the Committee itself.<sup>735</sup> The Committee became defunct on dissolution of the Lok Sabha.

- (7) Parliamentary Committee on catering in Parliament Complex (1993).<sup>736</sup>

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- (8) Committee on Food Management in Parliament House Complex (2009) was constituted to *inter alia* consider the revision of rates of eatables served at Railway Catering Units located in Parliament House Complex and the level of subsidy to be given for running these Units. It consisted of fifteen members, ten from the Lok Sabha and five from the Rajya Sabha.<sup>737</sup>
  - (9) Parliamentary Committee on installation of portraits/statues of national leaders in Parliament Complex (February 1993). The Secretaries-General of both the Houses were specifically named to be members of the Committee and the Committee was empowered to invite any other member of the Lok Sabha or the Rajya Sabha or experts for consultation. The Deputy Speaker was the Chairman of the Committee.<sup>738</sup>
  - (10) A Joint Committee to suggest Facilities and Remuneration for Members of Parliament (1993). The Committee was empowered to (i) call for information; (ii) examine witnesses; (iii) obtain expert advice; and (iv) undertake any other measures. The Committee was directed to submit its report as early as possible and was conferred the status and facilities enjoyed by other Parliamentary Committees.<sup>739</sup> The Committee submitted a report on 23 December 1993.<sup>740</sup>
  - (11) An *ad hoc* Parliamentary Committee of the Houses was constituted, with the Speaker as its Chairman, to examine the demand for Punjabi Suba and to assist a Cabinet Committee in arriving at a satisfactory settlement of the question.<sup>741</sup> The report of the Committee was presented to Parliament.<sup>742</sup>
  - (12) A Joint Parliamentary Committee, consisting of eleven members—seven members from the Lok Sabha and four members from the Rajya Sabha— was constituted to review the mechanism of fixing the retention price of the various qualities of fertilizers for different factories and to generally go into the functioning of the fertilizer industry.<sup>743</sup>
  - (13) Committees of Parliament to advise the Presiding Officers on the changes desirable in the structure of pay and allowances, etc. applicable to officers and staff in the Lok Sabha and the Rajya Sabha Secretariats were constituted on three occasions.<sup>744</sup>
  - (14) The Constitution (Eighty-first Amendment) Bill, 1996 (insertion of articles 330A and 332A), as introduced in the Lok Sabha, was referred to a Joint Committee, consisting of thirty-one members—ten from the Rajya Sabha and twenty-one from the Lok Sabha. The Committee was constituted by the Speaker and the Chairman in consultation with each other by nominating members thereon.<sup>745</sup>

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- (15) Joint Parliamentary Committee on Security in Parliament House Complex (2004), consisting of eleven members – eight from the Lok Sabha and three from the Rajya Sabha – was constituted *inter alia* to review the progress of work relating to installation of security equipment in Parliament House Complex, particularly in the context of the recommendations made by the JPC on Security from time to time and consider the security aspects pending for consideration/decision.
- (16) JPC on Pesticide Residues in and Safety Standard for Soft Drinks, Fruit Juice and other Beverages (2004) was constituted to report whether the recent findings of Centre of Science and Environment (CSE) regarding pesticide residues in soft drinks are correct or not and to suggest criteria for evolving suitable safety standards for soft drinks, fruit juice and other beverages where water is the main constituent. The Committee consisted of fifteen members, ten from the Lok Sabha and five from the Rajya Sabha.<sup>746</sup>
- (17) A Joint Parliamentary Committee on Maintenance of Heritage Character and Development of Parliament House Complex, consisting of nine members—six from the Lok Sabha and three from the Rajya Sabha with Speaker as the Chairperson—was constituted in 2009 to formulate policies, guidelines and programmes on conservation, restoration, rehabilitation and maintenance works in Parliament House Complex, etc. Deputy Chairman, Rajya Sabha, Union Ministers of Urban Development and Home Affairs are the *ex officio* members while the Minister of Parliamentary Affairs is the special invitee to the Committee.<sup>747</sup>

### VIII. Consultative Committees

The Consultative Committees of Members of Parliament attached to the various Ministries have been functioning since 1969. The main objective of these Committees is informal consultation between the Government and the Members of Parliament on the policies and programmes of the Government and the manner of their implementation. The membership of these Committees is voluntary and is left to the choice of the members and the leaders of their parties. The maximum membership of a Committee may go up to forty. A Committee is, however, constituted with the minimum number of ten members. The Committees are chaired by the Ministers in-charge of the Ministries to which the Committees relate.

Meetings of the Committees are held both during the session and the inter-session period. The agenda of the Committee is formed on the basis

of items for discussion received from the members and suggestions of the Ministry concerned. No decisions are taken by these Committees. A unanimous recommendation made by the Consultative Committee may be accepted by the Government. In keeping with informal nature of discussion at the meetings, it is incumbent on the members as well as on the Government not to mention on the floor of the House anything that happens in these Committees.<sup>748</sup>

### IX. Government Committees

There are a number of Committees, Councils, Boards, etc. (hereinafter referred to as Government Committees) constituted or set up by Government in pursuance of an Act of Parliament or a resolution, on which members of either House of Parliament are represented.<sup>749</sup> Broadly, the function of these Committees is to advise the Government on certain issues. The manner of representation— whether by election from amongst members or by nomination by the Chairman— and the term of office of the member elected/nominated are laid down in the statute/resolution under which the Committee is set up. Generally, members are nominated by the Chairman on the Committees on a request from the concerned Ministers/Ministries. After a member is nominated by the Chairman, his name is published in the Parliamentary Bulletin and communicated to the Ministry concerned.

There are many Government Committees enjoying statutory status to serve on which members of the Rajya Sabha are elected by the House in accordance with the system of proportional representation by means of the single transferable vote.<sup>750</sup> In such cases, motions are moved in the House for the purpose and the Chairman fixes a programme of election which includes date of nomination, withdrawal, election, etc. The programme is announced through the Bulletin. The result of the election is also published in the Parliamentary Bulletin. However, a convention has developed in the Rajya Sabha that the party/group to which membership of these bodies is to be allocated is decided by the Minister of Parliamentary Affairs, who is also the Chief Government Whip, in consultation with whips of other parties. The election is thus generally avoided. Only on few occasions does an election take place.

Whenever Ministries set up departmental Committees of advisory nature on any matter and desire to have a member nominated thereon, the Chairman of the Rajya Sabha is approached for permission. This practice or convention enables the Secretariat to refer such cases to the Joint Committee on Offices of Profit to examine the nature of the Committee in order to see that the membership of the Committees does not make the incumbent, holder of any office of profit and advise the Ministry/member accordingly.<sup>751</sup>

## NOTES AND REFERENCES

1. Bn. (II), 30.10.1986.
2. *Ibid.*, 25.5.1987.
3. *Ibid.*, 16.11.1992.
4. *Ibid.*, 26.7.1993.
5. *Ibid.*, 6.6.1994.
6. *Ibid.*, 7.8.1995 and 31.7.1996.
7. F. No. 3/93-T.
8. R. 30(2).
9. R. 217(2).
10. R. 30(1).
11. R. 30(2).
12. R. 30(3).
13. R. 30(4).
14. R. 30(5).
15. R. 31.
16. R. 32.
17. For instance, BAC mts., 1.6.1995.
18. R. 33(1).
19. R. 33(3).
20. BAC mts., 27.4.1995 (para.3).
21. R. 14.
22. BAC mts., 22.2.1965, 25.8.1965 and 1.8.1966.
23. *Ibid.*, 17.12.1992 and 10.12.2008.
24. *Ibid.*, 26.4.2007, 10.3.2011, 21.12.2011, 4.3.2012, 24.4.2012, 12.8.2013, 27.8.2013 and 6.9.2013.
25. *Ibid.*, 1.3.2007, 26.4.2007, 3.5.2007, 23.8.2007, 30.8.2007, 29.2.2008, 24.4.2008, 11.11.2010, 17.3.2011, 25.8.2011, 2.9.2011, 1.12.2011, 12.8.2013 and 23.8.2013.
26. *Ibid.*, 7.8.1995, 26.4.2007, 12.8.2010, 25.8.2011, 12.8.2013 and 6.9.2013.
27. *Ibid.*, 10.5.2012.
28. *Ibid.*, 31.7.1995, 26.2.1996, 25.7.1996 and 29.8.1996.
29. *Ibid.*, 23.3.1995, 7.3.1996, 11.7.1996, 18.7.1996 and 3.12.2009.
30. *Ibid.*, 30.3.1992, see also 11.8.1994, 5.5.2005 and 28.7.2006.
31. *Ibid.*, 11.11.2010, 21.2.2011 and 11.8.2011.
32. *Ibid.*, 7.8.1995, 16.8.1995, 7.12.1995 and 17.12.2009.
33. *Ibid.*, 14.3.1995, 23.3.1995, 27.4.1995 and 29.2.1996.
34. *Ibid.*, 18.5.1995.
35. *Ibid.*, 16.8.1995.
36. *Ibid.*, 23.7.2009.
37. *Ibid.*, 12.8.2010.
38. *Ibid.*, 10.12.2004 and 17.8.2005.
39. *Ibid.*, 27.4.1995.
40. *Ibid.*, 28.9.1964, 7.12.1964, 8.11.1965, 1.8.1966, 8.12.1967, 21.2.1968 and 25.11.1968.
41. *Ibid.*, 21.9.1964, 12.3.1965, 25.8.1965, 8.11.1965, 23.8.1966, 10.11.1966 and 26.7.1968.
42. *Ibid.*, 30.3.1995, 10.12.2009, 17.12.2009, 15.4.2010, 22.4.2010 and 26.8.2010.
43. *Ibid.*, 26.2.1996.
44. *Ibid.*, 1.6.1995.
45. *Ibid.*, 19.12.1991.
46. *Ibid.*, 14.8.1956, 16.11.1962, 2.6.1964, 3.12.1965, 6.5.1966, 5.8.1969, 13.3.1970, 20.7.1971, 3.5.2007 and 12.8.2010.
47. R.S. Deb., 8.3.1968, c. 3871-82.
48. BAC mts., 17.3.1986.
49. *Ibid.*, 14.3.1995.
50. *Ibid.*, 26.2.1996.
51. *Ibid.*, 20.3.1970, 24.4.1970, 16.6.1971, 2.4.1985 and 20.4.1987.

52. BAC mts., 9.8.1985.
53. *Ibid.*, 1.8.1986.
54. *Ibid.*, 25.7.1991, 1.8.1991 and 12.8.1993.
55. *Ibid.*, 10.7.1992.
56. *Ibid.*, 13.10.1982 and 16.7.1991.
57. *Ibid.*, 10.7.1992, 19.8.1993 and 30.11.2006.
58. *Ibid.*, 5.5.1993, 30.11.2006 and 16.7.2009.
59. *Ibid.*, 30.11.2006.
60. *Ibid.*, 6.8.1992.
61. *Ibid.*, 13.6.1977.
62. *Ibid.*, 20.11.1991.
63. *Ibid.*, 10.7.1992.
64. *Ibid.*, 18.8.1994.
65. *Ibid.*, 7.12.1994.
66. *Ibid.*, 5.8.1993.
67. *Ibid.*, 12.8.1993 and 19.8.1993.
68. *Ibid.*, 7.12.1994.
69. *Ibid.*, 19.11.2009.
70. *Ibid.*, 12.3.1981.
71. *Ibid.*, 25.3.1985.
72. R. 34.
73. R. 35.
74. R. 36.
75. R. 37.
76. BAC mts., 6.8.1952.
77. C.S. Deb., 7.8.1952, c. 3284-85.
78. R.S. Deb., 14.4.1955, c. 4719-20.
79. BAC mts., 23.8.1955, see also 21.9.1955. The BAC's recommendation is being notified in Bn. (II) since November 1959—*vide* Bn. (II), 27.11.1959.
80. R.S. Deb., 29.8.1966, c. 4586-98.
81. *Ibid.*, 8.3.1968, c. 3871-79.
82. *Ibid.*, 25.11.1966, c. 2900-17.
83. *Ibid.*, 24.3.1971, c. 9-19.
84. *Ibid.*, 16.8.1974, c. 91.
85. *Ibid.*, 8.12.1978, c. 211-30.
86. BAC mts., 15.12.1978.
87. 1 Rpt., COR, pp. 10-11, mts., 21.5.1971.
88. BAC mts., 24.8.1966.
89. *Ibid.*, 15.12.1978.
90. R.S. Deb., 9.5.1958, c. 2129-33.
91. Art. 350.
92. Rs. 137 to 153.
93. R. 137.
94. R. 138(i).
95. R. 138(ii).
96. R. 138(iii).
97. R. 138(iii)(a) to (d).
98. R. 139(1).
99. R. 143.
100. R. 139(2) and (3).
101. 6 Rpt., PC, 28.11.1955.
102. R. 140.
103. R. 141.
104. R. 142.
105. R. 144.
106. Bn. (I), 5.12.1973; 41 Rpt., PC.

107. R. 146.
108. R. 145.
109. Bn. (I), 20.9.1954, 27.9.1954, 26.11.1954, 30.11.1954 and 3.12.1954, 1 Rpt. and 2 Rpt., PC (presented on 30.9.1954 and 6.12.1954, respectively).
110. Bn. (I), 27.9.1954, 1 Rpt., PC (presented on 30.9.1954).
111. *Ibid.*, 28.2.1955, 4 Rpt., PC (presented on 18.3.1955).
112. *Ibid.*, 19.4.1955, 5 Rpt., PC (presented on 19.4.1955).
113. *Ibid.*, 28.11.1955, 6 Rpt., PC (presented on 28.11.1955).
114. *Ibid.*, 7.5.1956, 30.7.1956, 22.8.1956 and 24.8.1956, 7 Rpt., PC, 8 Rpt., PC, 9 Rpt., PC, 10 Rpt., PC, 11 Rpt., PC (presented on 4.5.1956, 9.5.1956, 2.8.1956, 24.8.1956 and 25.8.1956, respectively).
115. *Ibid.*, 10.8.1959, 12 Rpt., PC (presented on 10.8.1959).
116. *Ibid.*, 20.4.1960, 13 Rpt., PC (presented on 22.4.1960).
117. *Ibid.*, 29.4.1963, 14 Rpt., PC (presented on 30.4.1963).
118. *Ibid.*, 9.9.1966, 17 Rpt., PC (presented on 7.11.1966).
119. *Ibid.*, 23.2.1953 and 27.4.1953.
120. R. 150.
121. R. 147(i).
122. Rpt. of the Committee on Draft Rules of Procedure.
123. R. 149.
124. R. 147(2).
125. R. 147(3).
126. R. 148.
127. 1, 2, 3 Rpts., PC, 17 Rpt., PC.
128. 5 Rpt., PC.
129. Rpt. of Committee on Draft Rules of Procedure.
130. R. 151(1).
131. R. 152(2).
132. 5 Rpt., PC (presented on 19.4.1955).
133. 7 Rpt., PC (presented on 4.5.1956).
134. 8 Rpt., PC (presented on 9.5.1956).
135. Direction of Chairman, R.S., 20.1.1999 published in Bn. (II), 28.1.1999.
136. Pamphlet on Rules and Directions relating to Committee on Petitions, Rajya Sabha Secretariat (June 1996), Preface, p. 3.
137. *Ibid.*, pp. 15-17.
138. R. 153.
139. R. 152(1).
140. 10 Rpt., PC (24.8.1956).
141. 11 Rpt., PC (25.8.1956).
142. 14 Rpt., PC (30.4.1963).
143. R. 152(2).
144. 7 Rpt., PC (4.5.1956) and 8 Rpt., PC (9.5.1956).
145. Bn. (II), 2.11.2011.
146. F. No. 5(12)/91-Com. II, F. No. 5(37)/94-Com. II and F. No. 5(45A)/91-Com.II.
147. R. 192(1).
148. R. 193(1).
149. R. 193(2).
150. R. 193(3).
151. C.S. Deb., 28.5.1952, c. 588.
152. *Ibid.*, 16.5.1953, c. 6119; 15.5.1954, c. 6538; and 4.5.1955, c. 6784.
153. R.S. Deb., 22.5.1957, c. 1103.
154. *Ibid.*, 22.4.1958, c. 49.
155. *Ibid.*, 19.5.1969, c. 3720.
156. R. 192(3).
157. R. 192(2).
158. R. 194.

159. R. 191.
160. R. 203.
161. R. 195(1).
162. 19 Rpt., COP.
163. R. 195(2).
164. Rpt. of Jt. Sitting of Committee of Privileges of Lok Sabha and Rajya Sabha (1954).
165. 25 Rpt., COP (para. 4).
166. 27 Rpt., COP (para. 3).
167. 33 Rpt., COP.
168. 26 Rpt., COP (para. 2).
169. R.S. Deb., 10.5.1959, c. 142-43; and F. No. 35/27/78-L.
170. Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985, Rules 2(b) and 7(4).
171. R. 196(1).
172. *Ibid.*, 1<sup>st</sup> Proviso.
173. *Ibid.*, 2<sup>nd</sup> Proviso.
174. R. 196(2).
175. R. 196(3).
176. R. 197(1).
177. For instance, see 29 Rpt., COP, p. 9.
178. 2 Rpt., COP, p. 4.
179. 12 Rpt., COP, p. 15.
180. 27 Rpt., COP, p. 10.
181. 3 Rpt., 15 Rpt., 18 Rpt., and 21 Rpt., COP.
182. 30 Rpt., COP (p. 5) and 34 Rpt., COP (para. 7).
183. 16 Rpt., COP.
184. 23, 24, 26, 28, 31 and 35 Rpts., COP.
185. 1, 2 and 3 Rpts., COP.
186. 8 Rpt., COP, p. 10.
187. 19 Rpt., COP, pp. 16-17.
188. 27 Rpt., COP, App. II.
189. 25 Rpt., COP, App. IV.
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191. R. 197(1).
192. 11 Rpt., COP.
193. 13 Rpt., COP, App. IV.
194. 14 Rpt., COP, App. III.
195. R. 197(1), 1<sup>st</sup> Proviso.
196. R. 197(1), 2<sup>nd</sup> Proviso.
197. 5 Rpt., COP.
198. 8 Rpt., COP.
199. 11 Rpt., COP.
200. R.S. Deb., 17.12.1970, c. 123-26.
201. *Ibid.*, 7.4.1971, c. 84-85.
202. 13 Rpt., COP.
203. R. 197(3).
204. *Ibid.*, Proviso.
205. 11, 21, 25, 28 to 32 and 34 to 36 Rpts., COP.
206. 8 Rpt., COP, para. 6.
207. 16 Rpt., COP, para. 7.
208. 19 Rpt., COP, pp. 8-11.
209. R. 198.
210. R. 199.
211. R. 200.
212. *Ibid.*, Proviso.

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213. R. 201.  
214. 1 Rpt, COP, adopted on 2.5.1958.  
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216. *Ibid.*, 20.12.1968, c. 5032-75.  
217. *Digest*, pp. 218-19.  
218. *Ibid.*, pp. 421-25.  
219. R.S. Deb., 30.3.1993, c. 300-09.  
220. 4 Rpt., COP (*Organiser case*), *Digest*, pp. 598-99; 3 Rpt., COP (*Thought case*), *Digest* p. 416; 6 Rpt., COP (*Aina case*), *Digest*, pp. 601-02; 7 Rpt., COP (*Ram Gopal Gupta case*), *Digest*, p. 604; 8 Rpt., COP (*Thackeray case*), *Digest*, p. 600.  
221. 11, 14 and 32 Rpts., COP.  
222. 6, 17, 26 Rpts., COP.  
223. 22, 24 and 25 Rpts., COP.  
224. 9, 18, 28, 29, 31 and 35 Rpts., COP.  
225. 2 Rpt. and 7 Rpt., COP.  
226. 3 Rpt., COP.  
227. 15 Rpt., COP.  
228. 27 Rpt., COP.  
229. 10 Rpt. and 22 Rpt., COP.  
230. R. 202.  
231. 23 Rpt., COP, para. 3.  
232. 27 Rpt., COP, para. 3.  
233. F. No. 46/89-T (Vol. IV).  
234. 1 Rpt., EC (presented on 8.12.1998, adopted on 15.12.1999).  
235. Bn. (II), 5.3.1997; Rules relating to the Committee on Ethics came into force w.e.f. 20.7.2004.  
236. R. 287.  
237. R. 288.  
238. R. 289.  
239. R. 290.  
240. R. 303.  
241. R. 293.  
242. 4 Rpt. EC.  
243. R. 295.  
244. R. 296.  
245. R. 297.  
246. R. 298.  
247. R. 299.  
248. R. 300.  
249. R. 301.  
250. R. 302.  
251. Bn. (II), 23.12.2005.  
252. 8 Rpt., EC (presented on 24.2.2006), p. 20.  
253. *Ibid.*, p. 29.  
254. Bn. (II), 21.3.2006.  
255. R. 204.  
256. Bn. (II), 30.9.1964.  
257. R. 205(1).  
258. R. 205(2).  
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260. R. 206(1).  
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263. R. 206(3).  
264. R. 207(1).  
265. R. 207(2).

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266. R. 208(1).  
267. *Ibid.*, Proviso.  
268. R. 208(2).  
269. R. 208(3).  
270. R. 209.  
271. 14 Rpt., COSL, p. 5.  
272. 22 Rpt., COSL, para. 17.  
273. 17 Rpt., COSL, pp. 15-16.  
274. 13 Rpt., COSL, p. 11; 102 Rpt., COSL, p. 9; 23 Rpt., COSL, para. 9 and 29. Rpt., COSL, para. 17.  
275. 8 Rpt., COSL, p. 7.  
276. 14 Rpt., COSL, p. 32.  
277. 15 Rpt., COSL, para. 101; 16 Rpt., COSL, para. 32; see also 22 Rpt., COSL, para. 49-50, 26 Rpt., COSL, para. 20-22 and 39 Rpt., COSL, para. 56-72.  
278. 212 Rpt., COSL, para 52.  
279. 15 Rpt., COSL, p. 4.  
280. 10 Rpt., COSL, pp. 1-5.  
281. 15 Rpt., COSL, p. 28.  
282. For instance, see 10, 14, 23, 24, 39, 41, 44, 57, 59, 72 and 73 Rpts., COSL.  
283. For instance, see 1, 2 and 4 Rpts., COSL.  
284. For instance, see 19 and 102 Rpts., COSL.  
285. 192 Rpt., COSL, para. 2(xiv).  
286. 212 Rpt., COSL, para. 15.  
287. 189 Rpt., COSL, para. 2(vi).  
288. 189 Rpt., COSL, para. 2(xii).  
289. Minutes of the 24th meeting of the Committee, 201 Rpt., COSL.  
290. 212 Rpt., COSL, para. 62.  
291. *Ibid.*, para. 66.  
292. 19 Rpt., COSL, p. 14, 39 and 16 Rpt., COSL, p. 9.  
293. 15 Rpt., COSL, p. 9 and 16 Rpt., COSL, p. 4.  
294. 19 Rpt., COSL, p. 7, 20 Rpt., COSL, pp. 8-9 and 96 Rpt., COSL, p. 13; 27 Rpt., COSL, para. 10.  
295. 19 Rpt., COSL, p. 11.  
296. 18 Rpt., COSL, p. 3 and 19 Rpt., COSL, p. 28.  
297. 15 Rpt., COSL, p. 23.  
298. For instance, see 20, 26 and 27 Rpts., COSL.  
299. 212 Rpt., COSL, para. 31-33.  
300. *Ibid.*, para. 21.  
301. *Ibid.*, para. 58.  
302. *Ibid.*, para. 70(v).  
303. *Ibid.*, para. 70(i).  
304. 1 Rpt., COSL, p. 1.  
305. *Ibid.*, see also Bn. (II), 10.4.1984.  
306. 5 Rpt., COSL, p. 2.  
307. *Ibid.*, pp. 3-6.  
308. 41 Rpt., COSL, para. 5-11.  
309. 97 Rpt., COSL.  
310. 109 Rpt., COSL, pp. 9-11.  
311. 41 Rpt., COSL, para. 11.  
312. 64 Rpt., COSL, para. 2 to 2.18.  
313. 1 Rpt., COSL, pp. 6-7.  
314. For instance, Kerala State Legislature (Delegation of Powers) Act, 1965, s. 3.  
315. R. 212.  
316. 1 Rpt., COSL mts., 28.11.1964.  
317. 101 Rpt., COSL, pp. 16-24; 104 Rpt., COSL, pp. 26-27 and 106 Rpt., COSL, p. 5, see also 81 to 83 and 87 Rpts., COSL and 45 Rpt., COSL.

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318. 50 Rpt., COSL.
  319. F. No., 5(9)/99-Com.I.
  320. 10 Rpt., COSL, pp. 1-5 *and* 21 Rpt., COSL, para. 12-15.
  321. 16 Rpt., COSL, p. 1 *and* 19 Rpt., COSL, pp. 2-4.
  322. 107 Rpt., COSL, Ann. I-IV *and* 108 Rpt., COSL, Ann. I and II.
  323. R. 210(1).
  324. R. 210(2).
  325. COSL mts. of meeting of 11.12.2000.
  326. R. 211.
  327. 13 Rpt., COSL, para. 31 *and* 32.
  328. 9 Rpt., COSL, para. 48; 60 Rpt. COSL, para. 7.1 *and* 102 Rpt., COSL, para. 201.
  329. For instance, *see* 9, 26 to 28, 30, 39, 45 to 47 *and* 49 Rpts., COSL.
  330. 6 Rpt., COSL, para. 8.
  331. 1 Rpt., COSL, para. 22-23.
  332. *Ibid.*, para. 30-32.
  333. 39 Rpt., COSL, Ministry of Home Affairs circular dated 24.1.1980.
  334. 131 Rpt., COSL, para. 7.
  335. 6 Rpt., COSL, para. 19.
  336. 10 Rpt., COSL, para. 57; For background, *see* 5 Rpt., COSL, para. 20-25 *and* 9 Rpt., COSL, para. 34-39.
  337. 82 Rpt., COSL, para. 4.31.
  338. 15 Rpt., COSL, para. 101.
  339. 81 Rpt., COSL, para. 4.12.
  340. 86 Rpt., COSL, para. 2.21.
  341. 201 Rpt., COSL, para. 3.
  342. *Ibid.*
  343. 5 Rpt., COSL, para. 24 *and* 25.
  344. Minutes of the 24th meeting of the Committee *and* 201 Rpt., COSL.
  345. 10 Rpt., COSL, para. 57-58.
  346. F. No. RS 15(i)/2011-COSL.
  347. F. No. RS 15(i)/2010-COSL.
  348. F. No. RS 15(3)/2011-12-COSL.
  349. R.S. Deb., 5.8.1952, c. 2947.
  350. 1 Rpt., COR, p. 2.
  351. R. 212 B(1).
  352. R. 212 B(2).
  353. B. 212 B(3).
  354. R. 212 D(1).
  355. R. 212 C(1).
  356. *Ibid.*, *Proviso*.
  357. R. 212 C(2).
  358. R. 212 C(3).
  359. R. 212 D(2).
  360. R. 212 A.
  361. R. 212 E(1).
  362. *Ibid.*, *Proviso*.
  363. 41 Rpt., CGA, p. 10.
  364. R. 212 E(2).
  365. R. 212 E(3).
  366. 1 Rpt., CGA, App. I.
  367. R. 212(O).
  368. R.S. Deb., 18.3.1981, c. 205-08.
  369. 1 Rpt., CGA, para. 6 *and* 2 Rpt., CGA, para. 3.1.
  370. 31 Rpt., CGA, para. 7.
  371. 52 Rpt., CGA, p. 4.
  372. 26 Rpt., CGA, para. 9.

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373. 67 Rpt., CGA, para. 2.  
374. *Ibid.*  
375. *Ibid.*, para. 11.  
376. 25 Rpt., CGA, para. 10 and 31 Rpt., CGA, para. 6.  
377. 40 Rpt., CGA, para. 4.  
378. 4 Rpt., CGA, para. 4 and 5 Rpt., CGA, para. 4.11.  
379. 52 Rpt., CGA, p. 10.  
380. 27 Rpt., CGA, pp. 2-3 (presented on 15.3.1985).  
381. COR mts. of meetings of 27.1.1986 and 23.8.1989.  
382. 1 Rpt., CGA, App. IV.  
383. 2 Rpt., COR, p. 3.  
384. *Ibid.*, mts., 13.9.1978, p. 23.  
385. *Ibid.*, mts., 24.1.1979, p. 25.  
386. LoB for 31.3.1980 and 11.12.1980.  
387. R.S. Deb., 22.4.1981, c. 192.  
388. Bn. (II), 15.1.1982.  
389. *Ibid.*, 3.3.1982.  
390. R. 212 H(1).  
391. R. 212 I(1).  
392. R. 212 I(2).  
393. R. 212 I(3).  
394. R. 212 K(1).  
395. R. 212 J(1).  
396. R. 212 J(1), *Proviso*.  
397. R. 212 J(2).  
398. R. 212 J(3).  
399. R. 212 K(2).  
400. R. 212 H(2).  
401. R. 212 H(3).  
402. R.S. Deb., 28.3.1988, c. 254-57.  
403. 54 Rpt., COPLLOT (presented on 11.3.1996).  
404. R. 212 L(1).  
405. R. 212 L(1), *Proviso*.  
406. R. 212 L(2).  
407. R. 212 L(3).  
408. R. 212 N.  
409. R. 212 M.  
410. R. 212 (O).  
411. 1 Rpt., COPLLOT, para. 26.  
412. *Ibid.*, para. 27.  
413. *Ibid.*, para. 28.  
414. *Ibid.*, para. 32.  
415. *Ibid.*, para. 33.  
416. *Ibid.*, para. 34.  
417. *Ibid.*, para. 35.  
418. COPLLOT mts., 15.2.1984.  
419. 22 Rpt., COPLLOT, para. 3.  
420. 21 Rpt., COPLLOT, para. 3.17.  
421. 51 Rpt., COPLLOT, para. 5.30.  
422. 4 Rpt., COR, p. 2.  
423. R. 212 P.  
424. R. 212 Q(1).  
425. R. 212 Q(2).  
426. R. 212 Q(3).  
427. R. 212 S(1).  
428. R. 212 R(1).

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429. R. 212 R(2).  
430. R. 212 R(3).  
431. R. 212 S(2).  
432. R. 212 U.  
433. R. 212 T(1).  
434. R. 212 T(1), *Proviso*.  
435. R. 212 T(2).  
436. R. 212 T(3).  
437. R. 212 W.  
438. Rpt., HC. p.1.  
439. R. 212 V.  
440. 1 Rpt., HC (presented on 7.8.1986); 2 Rpt., HC (presented on 29.12.1993); 3 Rpt., HC (presented on 22.12.1995); 4 Rpt., HC (presented on 14.3.1997); 5 Rpt., HC (presented on 7.3.2000); 6 Rpt., HC (Presented on 9.8.2001); 7 Rpt., HC (Presented on 7.3.2002); 8 Rpt., HC (presented on 12.8.2002); 9 Rpt., HC (presented on 18.8.2003); 10 Rpt., HC (presented on 18.8.2003); and 11 Rpt., HC (presented on 18.12.2003).  
441. Art. 118(1).  
442. Art. 118(2).  
443. R.S. Deb., 16.5.1952, c. 44-45; Not. No. II-CS/52, 16.5.1952; and Gaz. of India, Pt. I, Sec. 1, pp. 1347-49.  
444. Not. No. CS/3/52-L, 11.7.1952; Gaz. of India, Pt. I, Sec. 1, pp. 1761-62.  
445. R.S. Deb., 4.8.1952, c. 2888-89; Not. No. CS/3/62-L; and Gaz. of India, Pt. I, Sec. 1, p. 1849.  
446. Not. No. CS/3/52-L, 12.9.1952 and Gaz. of India, Pt. I, Sec. 1., p. 436.  
447. Not. No. CS/3/53-L, 23.1.1953 (refer Bn.(II), 12.2.1953) and Gaz. of India, Pt. I, Sec. 1, p. 36.  
448. F. No. CS/3/1/54-L.  
449. Rpt. of Committee on Draft Rules of Procedure, para. 1, App. II.  
450. Not. No. RS 13/1/63-L(2), 1.7.1964, Published in Gaz. of India, Ext., Pt. I, Sec. 1 and Bn. (II), 1.7.1964.  
451. R. 217(1).  
452. R. 217(2).  
453. R. 217(3).  
454. R. 217(4).  
455. R. 217(5).  
456. R. 217(6).  
457. R. 218(1).  
458. R. 218(2).  
459. R. 216.  
460. 2 Rpt., COR, p. 1.  
461. 1, 2, 3 and 4 Rpts., COR, para. 1 of each.  
462. 6 Rpt., COR, para. 2.  
463. R. 219.  
464. R.S. Deb., 14.2.1995, c. 436.  
465. R. 220(1).  
466. R. 220(2).  
467. R. 220(3).  
468. R. 220(4).  
469. R.S. Deb., 15.11.1973, c. 153-54.  
470. Bn. (II), 1.7.1972.  
471. *Ibid.*, 15.1.1982.  
472. *Ibid.*, 1.7.1986.  
473. *Ibid.*, 30.3.1993.  
474. *Ibid.*, 12.6.1995.  
475. *Ibid.*, 15.12.2006.  
476. *Ibid.*, 3.2.2010.

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477. Bn. (II), 26.11.2014.
  478. GPC mts., 7.3.1989.
  479. *Ibid.*, 1.9.1972.
  480. *Ibid.*
  481. *Ibid.*, 24.8.1973.
  482. GPC mts., 8.5.1974.
  483. *Ibid.*
  484. *Ibid.*, 21.3.1975.
  485. *Ibid.*, 12.8.1985, 26.8.1985, 29.8.1985 and 12.12.1985.
  486. *Ibid.*, 17.8.1992 and 23.2.1993.
  487. *Ibid.*, 17.3.1994.
  488. *Ibid.*, 18.3.1994.
  489. *Ibid.*, 28.7.1971.
  490. *Ibid.*, 2.9.1976.
  491. *Ibid.*, 5.5.1988 and 11.8.1988.
  492. *Ibid.*, 23.11.1992.
  493. A Sub-Committee of the GPC was set up by Chairman, R.S. on 18.10.2003 to coordinate and supervise celebrations to commemorate the 200<sup>th</sup> Session.
  494. GPC mts., 1.9.1972.
  495. *Ibid.*, 21.3.1975.
  496. *Ibid.*
  497. *Ibid.*, 22.12.1978.
  498. *Ibid.*, 24.2.1981.
  499. *Ibid.*, 26.8.1981 and 5.5.1982.
  500. *Ibid.*, 5.5.1982.
  501. *Ibid.*
  502. *Ibid.*, 7.3.1989.
  503. *Ibid.*, 23.1.1985.
  504. *Ibid.*, 24.7.1985 and Bn. (II), 25.7.1985.
  505. *Ibid.*
  506. *Ibid.*, 30.4.1986.
  507. *Ibid.*, 11.8.1989.
  508. *Ibid.*
  509. *Ibid.*
  510. *Ibid.*, 7.3.1989 and 11.8.1989.
  511. *Ibid.*, 7.3.1989.
  512. *Ibid.*, 7.3.1989 and 11.8.1989.
  513. *Ibid.*, 7.3.1989, 14.2.1995 and 4.5.1995.
  514. *Ibid.*, 26.11.1991.
  515. *Ibid.*, 14.2.1995.
  516. *Ibid.*, 9.12.1998.
  517. *Ibid.*, 28.7.1999.
  518. *Ibid.*, 1.9.1972.
  519. *Ibid.*, 2.9.1976 and 2.5.1977.
  520. *Ibid.*, 23.1.1985.
  521. *Ibid.*, 5.5.1988.
  522. *Ibid.*, 23.2.1993.
  523. *Ibid.*
  524. Bn. (II), 9.3.1999.
  525. *Ibid.*, 6.12.2000.
  526. GPC mts., 4.3.2008.
  527. Bn. (II), 12.12.2008.
  528. GPC mts., 18.12.2008.
  529. Rs. 70, 71.
  530. R. 72(1).
  531. R. 72(2).

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532. R.S. Deb., 4.8.1993, c. 304-12.  
533. *Ibid.*, 5.8.1993, c. 289-92.  
534. See Chapter-6.  
535. R. 87.  
536. L.S. Bn. (II), 27.12.92, 1.1.2016 and R.S. Bn. (II), 1.1.2016.  
537. R. 72(3).  
538. R. 73(1).  
539. R. 73(2).  
540. R. 73(3).  
541. R. 77.  
542. R. 74(1).  
543. R. 74(2).  
544. R. 74(3).  
545. R.S. Deb., 28.7.1989, c. 307.  
546. R. 75.  
547. R. 76.  
548. *Ibid.*, *Proviso*.  
549. R. 78.  
550. Rpt. of Jt. Committee, para. 8.  
551. *Ibid.*, para. 7.  
552. *Ibid.*, para. 10.  
553. *Ibid.*, para. 9.  
554. *Ibid.*, para. 8.  
555. R. 79.  
556. *Ibid.*, *Proviso*.  
557. R. 80.  
558. R. 81.  
559. *Ibid.*, *Proviso*. In connection with tours, see also Bn. (II), 16.4.1987, containing Chairman's Direction.  
560. For instance, Rpt. of Jt. Committee on the Indian Penal Code (Amendment) Bill, 1972 mts., 24.3.1975; Rpt. of Jt. Committee on the Prevention of Food Adulteration (Amendment) Bill, 1974, mts., 29.4.1975.  
561. For instance, Rpt. of Jt. Committee on the Plantations Labour (Amendment) Bill, 1973, mts., 7.10.1974.  
562. Rpt. of Select Committee, para. 4.  
563. Rpt. of Jt. Committee, para. 9, and mts., 21.11.1974.  
564. Rpt. of Select Committee, App. II.  
565. Rpt. of Jt. Committee mts., 25.10.1969.  
566. *Ibid.*, 27.9.1974.  
567. *Ibid.*, 5.11.1974.  
568. *Ibid.*, 12.10.1972.  
569. *Ibid.*, 22.9.1972.  
570. R. 84(1).  
571. *Ibid.*, 1<sup>st</sup> *Proviso*.  
572. Rpt. of Jt. Committee mts., 17.9.1968, pp. 79-80.  
573. R. 84(1), 2<sup>nd</sup> *Proviso*.  
574. R. 84(2).  
575. R. 84(3).  
576. B.G. Gujar, "Impact of Committees on Legislative Process in the Rajya Sabha" in the *Second Chamber*, New Delhi, National Publishing House (published for the Rajya Sabha Secretariat), p. 389.  
577. Rpt. of Jt. Committee mts., 14.9.1971 and 15.9.1971.  
578. Jt. Committee Evidence, Vol. 1, p. 46.  
579. R. 84(4).  
580. R. 85(1).  
581. R. 85(2) and (3).  
582. R. 85(4).

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583. R. 85(5).  
584. R. 86(1).  
585. R. 86(2).  
586. Rpt. of Jt. Committee mts., 20.2.1975.  
587. *Ibid.*, 26.9.1975.  
588. *Ibid.*, 17.9.1975.  
589. *Ibid.*, para. 23.  
590. *Ibid.*, 30.10.1972.  
591. *Ibid.*, 10.11.1972.  
592. *Ibid.*  
593. Rpt. of Jt. Committee on the Mental Health Bill, 1981, para. 15; and Rpt. of Jt. Committee on the Prevention of Water Pollution Bill, 1969, para. 8.  
594. R. 86(3).  
595. *Ibid.*, *Proviso*.  
596. R. 82(2).  
597. See Chapter-21.  
598. R. 83.  
599. R. 87(1).  
600. R. 87(2).  
601. R. 88.  
602. Rpt. of Jt. Committee mts., 30.10.1974, 1.11.1974 and 2.11.1974.  
603. *Ibid.*, 7.2.1975, 10.2.1975 and 11.2.1975.  
604. *Ibid.*, 4.10.1975, 6.10.1975, 21.10.1975 and 22.10.1975.  
605. *Ibid.*, para. 12.  
606. *Ibid.*, page (viii).  
607. *Ibid.*, 7.2.1975.  
608. *Ibid.*, pp. 2-3.  
609. *Ibid.*, para. 13.  
610. R. 89.  
611. R. 90(1).  
612. *Ibid.*, 1<sup>st</sup> *Proviso*.  
613. *Ibid.*, 2<sup>nd</sup> *Proviso*.  
614. *Ibid.*, 30.8.1954, c. 721-24.  
615. *Ibid.*, 22.9.1954, c. 2989-91.  
616. *Ibid.*, 24.9.1954, c. 3241-53.  
617. *Ibid.*, 11.12.1974, c. 127.  
618. Rpt. of Jt. Committee, para. 14.  
619. *Ibid.*, para. 12.  
620. R. 90(4).  
621. R. 90(5).  
622. R. 90(6).  
623. R. 90 [7(i)].  
624. R. 91(1).  
625. Direction from the Chairman, Bn. (II), 25.1.1996.  
626. R. 91(2).  
627. R.S. Deb., 17.11.1969, c. 168-69.  
628. *Ibid.*, 6.8.1982, c. 181-86.  
629. R. 92.  
630. Direction from the Chairman, *op. cit.*  
631. L.S. COR, Rpts., 2nd and 4th (8th LS), July 1989.  
632. Bn. (I), 19.7.1989 and 4.8.1989.  
633. 5 Rpt., COR (presented on 19.8.1992).  
634. GPC mts., 23.2.1993.  
635. 6 Rpt., COR (presented on 24.3.1993).  
636. V.S. Rama Devi, (ed.) *Department-related Parliamentary Standing Committees (RS) - An Overview*, New Delhi, Rajya Sabha Secretariat, 1995.

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637. Third Sch. to Rules of Procedure.  
638. R. 268, *Proviso*.  
639. R. 269(1); Bn. (II), 20.7.2004.  
640. F. No. 52/1/94-L.  
641. R. 269(2).  
642. R. 269(3).  
643. R. 270(a).  
644. R. 272.  
645. Bn. (I), 18.3.2006, 27.7.2009, 14.3.2011 and 24.7.2014.  
646. R. 270(b).  
647. R. 273(a).  
648. For details see Chapter-21.  
649. For instance, Bn. (II), 9.6.1995 and 13.9.1995.  
650. R. 273(b).  
651. Bn. (II), 18.5.1995.  
652. *Ibid.*, 30.5.1995.  
653. Bn. (II), 10.6.1998.  
654. F. No. 6(1)/98-CS(HA), Chairman granted extension on 10.12.1998.  
655. Bn. (II), 7.12.1998.  
656. F. No. 6(6)/1998-CS(HA), Chairman granted extension on 10.12.1998.  
657. Bn. (II), 10.12.1998.  
658. F. No. 6(7)/1998-CS(HA), Chairman granted extension on 22.12.1998.  
659. R. 270(c).  
660. Bn. (II), 17.12.1993.  
661. R. 270(d).  
662. F. No. 12.1.93-S and T.  
663. R. 270, *Proviso*.  
664. R. 276.  
665. Committee on S & T, E & F mts., 7.12.1995, 7.3.1996, and F. No. 12.5.95-S and T.  
666. R. 274(1).  
667. R. 274(2).  
668. R. 274(3), see also R.S. Deb., 29.8.1996 and 30.8.1996, regarding controversy on a Minute of dissent not appeared to a report of the Committee on Industry.  
669. Bn. (II), 25.1.1996.  
670. *Ibid.*, 30.1.1996; and F. No. 2.4.94-T & T.  
671. Bn. (I), 28.2.1996.  
672. Bn. (II), 27.3.1996; Bn. (I), 29.8.1996.  
673. F. Nos. 3(1)/1/95-CS(HA), 3(2)/1/95-CS(HA) and 3(3)/1/95-CS(HA); Bn. (I), 27.8.1996.  
674. After 1996 Committee on Industry presented 16 Reports, Committee on Transport, Tourism & Culture presented 12 Reports, Committee on Home Affairs presented 13 Reports, Committee on Commerce presented 5 Reports, Committee on Science & Technology presented 8 Reports, Committee on Health and Family Welfare presented 3 Reports, Committee on Personnel, Public Grievances, Law & Justice presented 3 Reports and Committee on Human Resource Development presented 9 Reports to the Chairman, Rajya Sabha during inter-session period.  
675. R. 277.  
676. Committee on T & T mts., 14.7.1994.  
677. F. No. RS 9/2/2010 - Com. Sec. (S & T).  
678. R. 275.  
679. Bn. (II), 8.12.2000.  
680. LSR 309.  
681. R.S. Deb., 26.3.1968, c. 6492-97.  
682. For instance, Bn. (I), 15.3.1995.  
683. *Ibid.*, 28.3.1995.  
684. For instance, Bn. (II), 28.3.1995.  
685. *Ibid.*, 28.4.1995.

686. LSR. 308. For detailed working of the Committee, see Kaul & Shakhder, p. 854.
687. Bn. (II), 11.8.1966.
688. R.S. Deb., 27.8.1966, c. 4361-504.
689. Bn. (I), 11.8.1966.
690. *Ibid.*, 21.12.1954.
691. *Ibid.*, 19.5.1966.
692. LSR 312 B(1).
693. Bn. (I), 15.3.1995.
694. R.S. Deb., 26.3.1968, *op. cit.*
695. LSR. 312A. For detailed working of the Committee, see Kaul & Shakhder, p. 884.
696. Bn. (I), 24.9.1965.
697. For instance, see LS Bn. (I), 16.9.1991, RS Bn. (I), 17.9.1991 and F. No. 5/1/91-L.
698. For the first time, the Minister of Finance was not nominated as a member of the Railway Convention Committee (1989). After change of the Government at the Centre on 10 November 1990, however, the new Railways Minister was not nominated to the Committee and the former Railways Minister continued to be a member of the Committee. On constitution of Railway Convention Committee (1991), both the Railways and Finance Minister were not nominated as members of the Committee. However, both the Ministers of Railways and Finance were nominated to the Committee against subsequent vacancies. In the Railway Convention Committee (1996), only Minister of Railways was nominated to the Committee. In the Railway Convention Committee (1998), (1999), (2004) and (2009) neither of the two Ministers was nominated as member.
699. For instance, the 12 Rpt. of the Committee (which was final) was submitted on 12.3.1996 before the dissolution of the 10th Lok Sabha on 15.5.1996.
700. Bn. (I), 3.5.1995 and 9.5.1995.
701. *Ibid.*, 8.5.1959.
702. LSR. 331 B(1).
703. *Ibid.*, 331A. For detailed working of the Committee, see Kaul & Shakhder, p. 918.
704. Bn. (II), 21.12.2011.
705. For detailed working of the Committee, see Kaul & Shakhder, p. 917.
706. LSR 331P.
707. Salary, Allowances and Pension of Members of Parliament Act, 1954, s. 9(1).
708. *Ibid.*, s. 9(2A).
709. *Ibid.*, s. 9(2); For instance, see Bn. (II), 26.2.1996.
710. *Ibid.*
711. *Ibid.*, s. 9(3).
712. *Ibid.*, s. 9(4).
713. Bn. (I), 24.7.1975.
714. Official Languages Act, 1963, s. 4.
715. Bn. (II), 29.1.1976.
716. Judges (Inquiry) Act, 1968, s. 7; Bn. (II), 26.3.1969.
717. For instance, Bn. (II), 9.2.1996, in respect of Uttar Pradesh.
718. R.S. Deb., 2.9.1976, c. 8-38.
719. *Ibid.*, 2.8.1995; 9.8.1995; Bn. (II), 6.8.1996; and F. No. 44/3/96-L.
720. L.S. Deb., 11.5.1956, c. 7986-93; and R.S. Deb., 14.5.1956, c. 2023-28.
721. Bn. (I), 3.9.1957 and 11.9.1957.
722. L.S. Deb., 22.6.1971, c. 176-82; and R.S. Deb., 25.6.1971, c. 262-63.
723. *Ibid.*, 19.12.1980, c. 359-61; and R.S. Deb., 24.12.1980, c. 279-80.
724. *Ibid.*, 6.8.1987, c. 484-569; and R.S. Deb., 12.8.1987, c. 287-401.
725. R.S. Deb., 11.5.1988, c. 372.
726. L.S. Bn. (I), 6.8.1992; and R.S. Bn. (I), 7.8.1992.
727. Bn. (I), 26.4.2001; and Bn. (II), 27.4.2001.
728. Bn. (II), 11.3.2011.
729. Bn. (I), 27.2.2013; L.S. Bn. (I), 4.3.2013.
730. Bn. (II), 27.4.1956.
731. L.S. Bn. (II), 7.5.1956.

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732. Bn. (II), 7.9.1960, 20.9.1966 and 18.12.1973, respectively.
733. Kaul & Shakhder, p. 658, fn. 34.
734. Bn. (II), 7.9.1973.
735. Bn. (I), 8.12.1983.
736. Bn. (II), 17.12.1993.
737. *Ibid.*, 15.10.2009.
738. *Ibid.*, 22.2.1993.
739. *Ibid.*, 8.6.1993.
740. Bn. (I), 23.12.1993.
741. Kaul & Shakhder, p. 770, fn. 9.
742. Bn. (I), 18.3.1966.
743. *Ibid.*, 20.11.1991.
744. *Ibid.*, 17.8.1973, 21.7.1986 and 20.10.1997.
745. Bn. (II), 7.10.1996.
746. Bn. (I), 22.8.2003.
747. Bn. (II), 15.12.2009.
748. For detailed functioning and guidelines, see Annual Report of the Ministry of Parliamentary Affairs, 1994-95, Chapter VI.
749. *Committees and other Bodies on which Rajya Sabha is Represented*—a brochure brought out by the Rajya Sabha Secretariat from time to time—contains a list of such Committees.
750. *Ibid.*
751. For instance, F. No. 4/7/94-Com. II and F. No. 4/10/95-Com. II.