

CHAPTER-26

General Rules of Procedure

Notices

General procedure

Every matter proposed to be raised in the House by a Member, whether it is in the form of a question, resolution, motion, Bill, amendment, or otherwise, requires notice. Every notice required by the rules has to be given in writing addressed to the Secretary-General and signed by the member giving notice and has to be delivered at the Notice Office between 10.00 a.m. and 4.00 p.m.¹ every day except Saturday, Sunday or a public holiday.² Notices left or received after 4.00 p.m. on any open day, or left on any day when the Notice Office is closed are treated as given on the next open day.³

Notices may be delivered by members personally or through messengers and can also be sent by post.

The Rules Committee was of the view that the notices/communications received through Fax should be treated as authentic notices/communications provided that they were signed and followed by written notices.⁴ At the stage of adoption of the Report, the House, however, did not accept the Committee's recommendation.⁵

For the convenience of members, a box is kept outside the Notice Office for depositing notices before 10.00 a.m. Notices that are required to be given before the commencement of a sitting such as, calling attention, special mention, question of privilege, zero hour submission, etc., may be deposited in that box before 10.00 a.m. The box is opened at 10.00 a.m. and the notices deposited therein are treated as having been received at 10.00 a.m. The *inter se* priority of such notices is determined by ballot. A box is also kept in the Reception Office of the Parliament House for depositing notices by the personal staff of members. Members are informed of this arrangement every session through a paragraph in the Bulletin.⁶

Standard printed forms of notices for various purposes, such as amendments, motions, questions, calling attention, special mention, etc. are kept in the Notice Office for the use of the members.

The period of notice prescribed under the Rules is generally insisted upon and motions or resolutions falling short of the stipulated notice are ordinarily not allowed to be moved. However, the rules prescribing the period of notices also empower the Chairman to waive the period of notices in appropriate cases and admit a particular matter with a shorter notice or even without notice.

In calculating the period of notice in regard to questions and resolutions, the day on which the notice has been received and the day on which the question is to be answered or the resolution is to be moved are excluded.

The principal notices required by the rules or under the direction of the Chairman and the period of notices are —

(i) Question—fifteen clear days;⁷ (ii) half-an-hour discussion—three days;⁸ (iii) private members' resolution—intimation, two days before the draw of lot and text of the resolution, ten days of the draw of lot;⁹ (iv) amendments to resolutions/motions—one day;¹⁰ (v) motions for leave to introduce private members' Bills—one month;¹¹ (vi) amendments to Bills—one day;¹² (vii) special mention—5.00 p.m. on the preceding day of the proposed mention;¹³ and (viii) motions in respect of certain Bills—two days.¹⁴

Notices of amendments to a Bill or a resolution may be given by a member in advance of the inclusion of the relevant item in the list of business.¹⁵ Such amendments are circulated to members on the day preceding the day on which the relevant item is included in the list of business.

It is open to a member to give notices before making and subscribing an oath or affirmation and taking seat in the House but he cannot exercise any of his functions as a member in the House like asking of a question or moving a resolution or introducing a Bill unless he has made and subscribed the oath or affirmation and taken his seat in the House.

Notices given earlier by a member who is suspended from the service of the House are not included in the list of business or lists of questions, amendments, etc. during the period of his suspension. Any notice given by him during that period is also not accepted.

Now in Rajya Sabha, the practice of raising matters of urgent public importance by way of Zero Hour submissions has been dispensed with. Sometimes, however, the Chairman may permit certain matters to be raised which are indicated in Bulletin Part-I as Matters Raised with Permission. The Special Mention procedure for raising matters of public importance has been strengthened with incorporation of rules¹⁶ to that effect.

Circulation of notices

The Secretary-General makes every effort to circulate to each member, a copy of every notice or other paper which under the rules is required to be made available to the members.¹⁷ The rules require the following papers/notices to be circulated to members by the Secretary-General; (i) summons of the session;¹⁸ (ii) notice of election of the Deputy Chairman;¹⁹ (iii) list of business;²⁰ and (iv) list of amendments to Bills/resolutions.²¹ A notice or other paper is deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time, direct.²²

Chairman's power to amend a notice

If in the opinion of the Chairman, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose or otherwise inappropriate, he may, in his discretion, amend such notice before it is circulated.²³

Notices of amendments which are not intelligible or which make a clause of the Bill to which they relate or the resolution or the motion unintelligible or ungrammatical, are suitably edited in consultation with the members concerned, if necessary, before circulation to members.

Lapsing of notices

On the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce Bills, lapse and a fresh notice must be given if a member desires to raise the matter in the next session. However, fresh notice is required of intention to move for leave to introduce a Bill in respect of which sanction or recommendation earlier granted, if the sanction or recommendation has ceased to be operative.²⁴

A member had given notice of a breach of privilege against a newspaper on 18 March 1963. The Rajya Sabha was prorogued on 20 March 1963. The member gave afresh notice "if no action had already been taken on his previous notice." Thereafter, the matter was referred to the Committee of Privileges.²⁵

Any business pending before a Committee does not lapse by reason only of the prorogation of the House and the Committee continues to function notwithstanding such prorogation.²⁶

Recommendation of the President

Recommendation of the President is required for introduction in the Rajya Sabha of the Bills which relate to the formation of new States and alteration of areas, boundaries or names of the existing States²⁷ and Bills affecting taxation in which States are interested.²⁸ Recommendation of the President is also necessary for the consideration and passing of a Bill involving expenditure from the Consolidated Fund of India.²⁹

Every recommendation of the President is communicated to the Secretary-General by the Minister concerned in writing, in the following terms:

The President having been informed of the subject matter of the proposed Bill, Motion, Resolution or amendment accords his previous sanction to the introduction of the Bill or the moving of the amendment or recommends the introduction of the Bill or the moving of the Motion, Resolution or amendment in the Council or recommends to the Council the consideration of the Bill.³⁰

Where a Bill having been passed by the Lok Sabha is transmitted to the Rajya Sabha, the Minister concerned forwards to the Secretariat also the

necessary recommendation for consideration of the Bill as passed by the Lok Sabha in the Rajya Sabha even though a similar recommendation had been obtained and sent earlier to the Lok Sabha when the Bill was pending there. In other words, a separate recommendation is required to be obtained in respect of a Bill for each House.³¹

Rules to be observed by members

Whilst the House is sitting or while speaking in the House, members have to observe certain rules.³² These have been described in Chapter-9 dealing with Rules of Conduct. However, amongst them the rule of *sub judice* is of particular significance in parliamentary procedure and needs, therefore, elaboration.

Discussion on sub judice matters

Members cannot refer to any matter of fact on which a judicial decision³³ is pending. Subject to the provisions of the Constitution and rules, there is freedom of speech in Parliament.³⁴ Certain restrictions on this freedom have, to a limited degree, been self-imposed. One such restriction is that discussions on matters pending adjudication before courts of law should be avoided on the floor of the House, so that courts function uninfluenced by anything said outside the ambit of trial in dealing with such matters. The question whether a particular matter is *sub judice* is decided by the Chairman on the facts and circumstances of each case.

Under the rules, any matter which is under adjudication by a court of law having jurisdiction in any part of India cannot be raised in the House in any form such as questions,³⁵ motions,³⁶ resolutions.³⁷ The rule of *sub judice* does not apply to Bills.

An objection was taken that the Muslim Women (Protection of Rights on Divorce) Bill, 1986, could not be taken up for consideration in the House, as some cases of maintenance were pending in courts. The Chairman ruled:

...this is a sovereign body and it has the power to legislate on any matter, whether it is pending in a court or not.³⁸

A Committee of Presiding Officers appointed to consider, *inter alia*, the scope of rule of *sub judice* has given the following guidelines which are illustrative but not exhaustive :

- (1) Freedom of speech is a primary right whereas rule of *sub judice* is a self-imposed restriction. So where need be, the latter must give way to the former.
- (2) Rule of *sub judice* has no application in privilege matters.
- (3) Rule of *sub judice* does not ordinarily apply to legislation.
- (4) Rule of *sub judice* should apply in regard to proceedings before civil and criminal courts and courts martial in any part of India and not ordinarily to other judicial or quasi-judicial bodies such as Tribunals, etc. which are generally fact finding bodies.

- (5) Rule of *sub judice* applies to questions, statements, motions (excluding motions in respect of leave to introduce a Bill, take a Bill into consideration, refer a Bill to a Select/Joint Committee, circulate a Bill for eliciting opinion thereon, pass a Bill) resolutions and other debates.
- (6) rule of *sub judice* applies only in regard to the specific issues before a court. The entire gamut of the matter is not precluded.
- (7) In case of linked matters, part of which is *sub judice* and part not *sub judice*, debate can be allowed on the matters which are not *sub judice*.
- (8) Rule of *sub judice* has application only during the period when the matter is under active consideration of a court of law or courts martial. That would mean as under:
 - (a) In criminal cases — From the time chargesheet is filed till judgement is delivered.
 - (b) In courts martial — From the time charges are preferred till the charges are confirmed.
 - (c) In civil suits — From the time issues are framed till judgement is delivered.
 - (d) In writ petitions — From the time they are admitted till orders are passed.
 - (e) Injunction petitions — From the time they are admitted till orders are passed.
 - (f) Appeals — From the time the Appeal is admitted till judgement is delivered.³⁹

Participation in proceedings of a member appointed a Minister in a State

Where a member of either House of Parliament is appointed a Minister in a State, he does not incur any disqualification and continues to be a member of that House as well as minister in the State for a period of six months without being a member of the State legislature. On more than one occasions in the past, points have been raised about such members attending and participating in the proceedings of the House or voting. In one case, a member of the Rajya Sabha who was appointed a Minister in a State attended the House. In another case, a member of the Rajya Sabha who was appointed the Chief Minister of a State was present in the House to vote on the Constitution (Fifty-ninth Amendment) Bill, 1988. The Chairman had on these occasions observed:

On the question of propriety of a member who has assumed office as a Minister in a State continuing to take part in the proceedings of the House, I would merely observe that it does seem somewhat odd that a member functioning as a Minister in a State should be attending the Rajya Sabha and taking part in the proceedings thereof.⁴⁰

The Chairman, therefore, on the second occasion stated that he could not direct the member concerned not to vote. The member concerned who voted on the Bill stated, "paramountcy of the nation's interest is more important than my personal interest."⁴¹

Making of allegation against a person

The Constitution confers on a Member the freedom of speech in the House and grants immunity from proceedings in any court, civil or criminal, for anything said by him on the floor of the House.⁴² This constitutional privilege is, however, subject to the other provisions of the Constitution and the rules of the House.

One of the rules of the House provides that the conduct of persons in high authority should not be discussed except on a substantive motion drawn in proper terms under the Constitution.⁴³ The Constitution provides for discussion of the conduct of some of the authorities in the manner indicated therein *e.g.*, President, Vice-President, Deputy Chairman, Judges of the Supreme Court and High Courts, Comptroller and Auditor-General of India, Chief Election Commissioner, etc. The conduct of other high functionaries such as Governors can be discussed on appropriate motions drawn in a form approved by the Chairman. In fact, the House has discussed actions of Governors in their official capacity in various forms.

The House had discussed motions (i) recommending dismissal of a Governor of a State⁴⁴ and (ii) condemning the action of a Governor in dismissing a Government in a State.⁴⁵ Both the motions were, however, negatived.

The House has also discussed calling attention or short duration discussion on dissolution,⁴⁶ prorogation,⁴⁷ suspension⁴⁸ of Assemblies by Governors.

Matters regarding role, power, functions and method of appointment of Governors have also been discussed through calling attention and short duration discussion.⁴⁹

As regards the conduct of a Chief Minister or a Minister in a State Government, the same may be discussed if the matters fall within the jurisdiction of the Union Government or are under its consideration. There have been some instances when matters pertaining to Chief Ministers/State Ministers have been raised in the Rajya Sabha.

A short duration discussion was held regarding some disparaging remarks made by a Minister of State Government against the Scheduled Castes.⁵⁰

A short duration discussion related to the action taken by the Government on a memorandum submitted to the President alleging corruption against and misuse of power by a Chief Minister.⁵¹

The report of a Commission of Inquiry on allegations made against a Chief Minister was the subject of a motion.⁵²

There was a calling attention on the reported unwillingness of the Union Home Ministry to furnish to the Government of Orissa a copy of the CBI report and the Cabinet sub-Committee's findings thereon regarding certain allegations against a former Chief Minister.⁵³

A statement of a Chief Minister regarding undermining of the Constitution from within was the subject of a calling attention.⁵⁴

When a member raised a point of order on certain observations of another member on the Chief Minister of a State on the ground that the conduct of a Chief Minister could be discussed only on a substantive motion, the Deputy Chairman, pointing out certain precedents, held that there was no such provision of bringing a substantive motion for discussing the conduct of a Chief Minister.⁵⁵

As per rule, no allegation of a defamatory or incriminatory nature can be made by a member against any other member or a member of the other House unless the member making the allegation has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply.⁵⁶ Nevertheless the Chairman may at any time prohibit any member from making any such allegation, if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.⁵⁷

When allegations are made by a member against another member or a Minister and the latter denies those allegations, the denial should normally be accepted by the member who made the allegations. The Chairman may also ask a member to substantiate allegations made and after inquiry inform the House of the result of his findings.⁵⁸

Normally, when a member makes an allegation without giving advance notice thereof, the rule on the subject is invoked and the member is called to order. In many cases, these allegations find a place in the proceedings and if they go unchallenged they might affect the honour and dignity of the member concerned. Therefore, where any such allegations have gone on record, the Minister or member against whom allegations have been made, is allowed to make a statement in the House clarifying the position either on the same day or later on and that brings the matter to an end.⁵⁹

As regards allegations against an outsider on the floor of the House, the practice and convention is not to bring in the name of any person who cannot defend himself on the floor of the House.⁶⁰ If, however, such an allegation becomes the subject-matter of a case for investigation by police or any other investigating authority, the police or the investigating authority cannot approach the member and call upon him to divulge the source of his information or give up evidence in his possession which may assist the police or the investigating authority in their investigation. The Committee of Privileges has laid down the course of action which should be followed in such cases, as has been explained in Chapter 8 relating to Privileges.

Personal explanation

A member may, with the permission of the Chairman, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward and no debate should arise.⁶¹

A member made a statement regarding an incident in Burdwan to which a reference had been made by another member in the House a few days back. A point of order was raised as to whether the member could be permitted to make a statement with reference to a matter which did not personally concern him but which only related to a political party. The Chairman referring to the then rule 203 (corresponding to the present rule 241) ruled that the member had not taken the Chairman's prior permission to raise the point on the floor of the House and, therefore, his making the statement in question was not in order. He was trying to give the version of a party of the incident to show that the criticism levelled against that party was not justified. This introduced debatable matter which also was not permissible under the rules. The Chairman further observed:

It is true that in regard to the explanation of a personal nature, the House is usually indulgent and it permits a statement of that character to be made, provided that leave has been previously obtained from the Chair but general arguments and observations beyond the fair bounds of personal explanation are out of order. The indulgence of personal explanation should be granted with caution so that no debatable matter may be brought forward and no debate shall arise.⁶²

On an occasion, a member was given permission to make a personal explanation with reference to certain observations made by the Deputy Prime Minister and Minister of Finance concerning him, in the course of the intervention in the debate on Birla Affairs on 5 March 1969. The member was informed in writing that his personal explanation should only refer briefly to the budget proposals and not other matter. However, after the member had made the personal explanation, the next day, the Chairman made the following observations when he found that the member had exceeded the permission given to him and had referred to matters not relevant to personal explanation:

This is clearly against procedure and well-established conventions. I would like to say that if members who seek my indulgence in matters like this misuse it, I will have to seriously consider whether hereafter I shall not have to insist that the member who seeks this privilege should put down the statement of personal explanation in writing in advance and show it to me before the statement is made.⁶³

On another occasion, when a Minister made a personal explanation apologising for some mistaken statement she had made earlier in the House, but bringing in some other matters and names of various leaders, a member raised a point of order under rule 241. The Chairman stated that he would go through the speech and if anything came within the terms of the debatable matter, he would expunge it.⁶⁴

If the permission is granted, the member concerned makes a statement and no further questions or clarifications thereon are permitted, the intention being that the personal explanation should not be converted into a debate. As has been observed, "These statements are made by the indulgence of the House, and not of right, since there is no question before the House at the time, and no debate can taken place"⁶⁵

When a member wanted to put some questions by way of seeking clarifications on a personal explanation made by a Minister, the Chairman observed, "You cannot discuss it here.....on personal explanations, no questions are put."⁶⁶

After a member made a personal explanation, many members wanted to raise points of order and a discussion on the matter. The Deputy Chairman observed that no discussion was permissible thereon. If members wanted to discuss any issue, they should follow appropriate procedure for the purpose. Both the versions of the Minister and of the member had appeared in the proceedings and the matter ended there.⁶⁷

The scope of a personal explanation has already been described in Chapter 15 dealing with the arrangement of business. In this connection, the following observations may also be germane:

When a member makes a personal statement, the House assumes that he does so with complete integrity. As Mr. Harold Wilson put it, in the course of debate on the Profumo case on 17 June 1963, "this House allows freedom of personal statement without question or debate on the premise that what is said is said in good faith."⁶⁸

Some of the personal explanations permitted to be made in the Rajya Sabha may also be mentioned.

(a) To clarify misleading press reports

A member was permitted to clarify certain misleading press reports about his statement in the House.⁶⁹

A member made personal explanation on press report about him on the Cauvery issue.⁷⁰

A member made personal explanation as his speech in the Rajya Sabha regarding the Indian Express Building case had been selectively reported and some parts wherein he had paid tributes to the Judge concerned were omitted in the press and so in order to correct the "regrettable impression" and to set the record straight. When another member said something thereon, the Chairman directed it not to be recorded and observed, "Nobody can make any comment on personal explanation."⁷¹

(b) refute remarks attributed to a member

A member made a personal explanation to deny a statement alleged to have been made by him in the Central Hall as attributed to him.⁷²

(c) *To clarify regarding arrest*

A member made a personal explanation regarding her arrest and the circumstances in which she was transferred to the Tihar Jail, Delhi and brought to Parliament House to attend the session of the Rajya Sabha.⁷³

(d) *To explain the position*

A member made a personal explanation to clarify the position regarding raid on his house, etc. Another member raised a point of order that the personal explanation was not connected with the business of the House. The Deputy Chairman clarified that the member was permitted because his image as a member of the House was spoiled.⁷⁴

Five members of the Rajya Sabha were permitted to offer personal explanations arising out of newspaper reports that their names figured in the charge-sheet in the Ram Swaroop espionage case.⁷⁵

(e) *To refute allegations*

Prime Minister, Shrimati Indira Gandhi, laid on the Table a statement refuting an allegation made by a member regarding her telephone charges of a particular month.⁷⁶

On an occasion, the Chairman made the following announcement in the House:

"During the discussion on the calling attention motion on the takeover bids of Indian companies by certain non-residents of Indian origin, one hon'ble member mentioned, *inter alia*, that the money invested was "the Prime Minister's money, political money and money not earned honestly. Unfortunately this comment went on record in the absence from the House of the Prime Minister and there was no chance to refute it. I have since been told that the allegation made is totally baseless. As the allegation has gone on record, I consider it fair that the refutation should also be on record."⁷⁷

(f) *Explanation and counter-explanation*

The general practice is that when a personal explanation is made by a member, another member who originally made the observations is not allowed to make a counter-explanation. The matter is treated as closed with the statements of both the members being on record.

However, a member made a personal explanation regarding a matter concerning him mentioned by another member in the House. The next day, the latter member made a personal explanation in respect of matter mentioned about him by the former.⁷⁸

A Minister made a personal explanation regarding certain allegations made against him in his earlier capacity as a Minister of another Ministry, by a member. After three days the member made a statement with the permission of the Chairman, denying the allegations made by the Minister.

When several members rose, the Chairman observed, "There is a rule that after the statement has been made, there shall be no other personal statement. But if a 'statement of fact' is made therein by a Minister or anybody, 'that can be contradicted.' Hence, it was permitted."⁷⁹

(g) *To clarify a statement*

A member was permitted to make a personal explanation to clarify that during a supplementary question he had referred to a cartoon appearing in a newspaper out of misunderstanding. He requested that his supplementary be expunged from the proceedings of the House. The Chairman ruled that the statement of the member would go on record.⁸⁰

A member stated that while speaking on the motion regarding Report of the Commission of Inquiry on Dalmia-Jain Companies, he had stated that fifteen lakhs was collected for election. He was allowed to correct it to several lakhs. He also stated that he was placing a paper on the Table, in support of his statement.⁸¹

(h) *Ministers making personal explanations*

There is no bar for a Minister who is a member of the other House to make a personal explanation to refute allegations or observations made against him by members in the House. On a number of occasions such statements have been made.⁸²

A Minister of State or Deputy Minister was permitted to make a personal explanation regarding the so-called dispute between her and her Cabinet Minister. Some members raised a point of order that since the Minister concerned was not a member of the House, she could not make a personal explanation. The Deputy Chairman ruled out the point of order holding that had the concerned Minister been only a member of the other House, the Chair would not have allowed any allegations against her. It was allowed because she came to the House as a Minister... was answerable to the questions of members of both the Houses. Secondly, the Chairman in his right had permitted her to make a personal explanation and so she was in the House.⁸³

Order of speeches and the right of reply

After the member who moves a motion has spoken, other members may speak on the motion in such order as the Chairman may call them. If any member who is so called does not speak, he is not entitled, except with the permission of the Chairman, to speak on the motion at any later stage of the debate.⁸⁴

Except in the exercise of a right of reply, no member can speak more than once on any motion, except with the permission of the Chairman.⁸⁵ A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not)

after the mover has replied.⁸⁶ The right to reply, however, does not extend to the mover of an amendment to a Bill or a motion save with the permission of the Chairman.⁸⁷

Closure

At any time after a motion has been made, any member may move, "That the question be now put," and unless it appears to the Chairman that the motion is an abuse of the rules or an infringement of the right of reasonable debate, the Chairman puts the motion, "That the question be now put."⁸⁸ If the motion is carried, the question or questions consequent thereon are put forthwith without further debate, subject to the right of reply which may be allowed by the Chairman to a member.⁸⁹ If the closure motion is not carried, the debate on the motion is resumed at the point where it was interrupted.⁹⁰

The Criminal Law Amendment Bill, 1952, was discussed at length. A member moved, with the permission of the Chair for the closure of the debate. Another member supported the motion. The Deputy Chairman declared that there had been a reasonable debate and he put the question: "That the question be now put." The motion was adopted. Thereafter, the Minister concerned replied to the debate (though the reply itself was spilled over to the next day).⁹¹

The motion to refer the Hindu Marriage and Divorce Bill, 1952, to a Joint Committee, was discussed for nearly ten hours. A member moved, "That the question be now put." Before putting the question, the Chairman observed that almost all the points of view had been set forth. He put the question. It was adopted after taking a count of members supporting the motion. Thereafter, the Minister replied.⁹²

A private member's resolution regarding enlistment of public cooperation in the Second Five Year Plan was being discussed. At 5 minutes to 5.00 p.m., a member moved, "That the question be now put." The motion was adopted. The mover gave a reply. The resolution was thereafter withdrawn by leave of the House.⁹³

In regard to a private member's resolution regarding constituting a permanent Board for Youth, a member moved, "That the question be now put." The motion was negatived. The discussion proceeded.⁹⁴

Limitation of debate

Whenever the debate on any motion in connection with a Bill or any other motion becomes unduly protracted, the Chairman may, after taking the sense of the House, fix the hour at which the debate is to conclude.⁹⁵

At the appointed hour, in accordance with the time-limit fixed for discussion and passing of a particular Bill or motion, unless the debate is concluded sooner, the Chairman proceeds forthwith to put all such questions as may be necessary to determine the decision of the House on the original question.⁹⁶

The Special Marriage Bill, 1952, was discussed for three days. On 4 May 1954, the Deputy Chairman wanted to close the debate on the Bill, under

the then rule 207 (corresponding to the present rule 245). He took the sense of the House and when he saw that very large number of members wanted the debate to continue, the debate was continued.⁹⁷

Question for decision

A matter requiring the decision of the House is decided by means of a question put by the Chairman on a motion made by a member.⁹⁸ After the motion has been moved, the Chairman formally proposes or places the motion for the consideration of the House. At the end of the debate on the motion, he puts the motion for the decision of the House thus: "That the question is: '...'" (Here the Chairman repeats the motion as moved by the member). Those in favour will say 'Aye'; those against will say 'No'. " If a motion embodies two or more separate propositions, those may be proposed by the Chairman, as separate questions.⁹⁹

No debate on a motion can take place until the question has been proposed by the Chairman and the House is in possession of the motion and the question is proposed at the conclusion of the speech of the mover.

On an occasion, a Minister moved a motion for extension of time for presentation of a report of the Joint Committee on a Bill. Immediately, thereafter speeches were made by some members and the Prime Minister on the motion. The Chairman observed:

All the speeches hitherto made are completely irrelevant because I have not put the question to the House.¹⁰⁰

Generally, no question can be put for the decision of the House without debate unless there is agreement in the House or where it is specifically provided in the rules.

On several occasions, the House has passed Bills without discussion on the recommendation of the Business Advisory Committee or consensus in the House.

When a member is suspended by motion being made to that effect, no debate is permitted on such a motion.¹⁰¹

No member is permitted to speak on a question after the Chairman has collected the voices both of the Ayes and of the Noes on that question.¹⁰²

Laying of papers on the Table

Laying of papers by Ministers

Papers are laid on the Table of the House either in compliance with specific provision in the Constitution, statutes of Parliament, rules of procedure or practices and conventions in regard thereto. Chapter 15 relating to Arrangement of Business has listed a variety of papers which are presented to Parliament.

If a Minister quotes in the House a despatch or other State Paper which has not been presented to the House, he is required to lay the relevant paper on the Table.¹⁰³ The rule, however, does not apply to documents which are stated

by the Minister to be of such a nature that their production would be inconsistent with public interest.¹⁰⁴

During his speech on a motion for modification of IAS (Recruitment) Rules, 1954, Dr. K. N. Katju, Minister of Home Affairs and States, read from a private letter written by Sardar Vallabhbhai Patel, having a bearing on the matter under discussion. On a point of order, a member demanded that the paper should be laid on the Table of the House. The Minister stated that it would not be in the public interest to lay any private letter on the Table of the House. The Deputy Chairman ruled that even though it was a private letter, inasmuch as it dealt with a matter of State and the Minister had declared that it would not be in the interest of public to lay it on the Table, the 1st proviso to rule 211 (old) would apply to the document and therefore it need not be placed on the Table.¹⁰⁵

The Minister of State in the Ministry of Finance, in reply to a question, quoted from a Report of the Company Law Board. A demand was made that the Report should be laid on the Table of the House under rule 249. The Chairman directed the Minister to lay the Report. The Minister laid it later.¹⁰⁶

During the discussion on a calling attention regarding security lapse at Rajghat, the Minister concerned had quoted a comment made by the Indian Consul-General at Karachi, in a cable received in the Ministry of External Affairs. There was a demand that the cable should be placed on the Table of the House. The Minister concerned contended that it would not be in the public interest to do so. In order to ascertain the position, the Chairman called for a copy of the cable and on perusal ruled that since the cable contained other materials besides the comment of the Consul-General, which it would not be in the public interest to disclose, the proviso to rule 249, which protected such papers when quoted from being laid on the Table, applied in this case and upheld the Minister's contention.¹⁰⁷

On 19 September 1963, in reply to a question regarding enquiry into the charges levelled against a Chief Minister, the Prime Minister, Shri Jawaharlal Nehru, had referred to a report of a sub-Committee (of the Congress Party) to which the charges were referred (by the Congress President). There was a demand made by some members that the report should be placed on the Table of the House. The Prime Minister stated that the report was not under his custody. Next day, the demand was repeated. The Prime Minister left the matter to be decided by the Chairman, especially when the report had already been published in newspapers and he had no objection to show it to the members. The Chairman ruled that he would not ask the Prime Minister to lay it on the Table as it would be a bad precedent and the report had already been published and was a public document. It was, he held, neither a despatch nor a State Paper in terms of (old) rule 21. The Prime Minister thereafter clarified that he was not putting any obstruction in the way of placing the paper. The Chairman then stated that he took into consideration the Prime Minister's readiness to place the paper but he was not asking the Prime Minister to lay it as he did not wish to create a precedent.¹⁰⁸

During the course of supplementaries on a starred question regarding Lt. Gen. Kaul's book, *The Untold Story*, a member wanted to know whether the Minister of Defence to whom the question was addressed was prepared to place on the Table of the House the report by Gen. Henderson on the debacle in NEFA. The Minister stated that it would not be in the public interest to publish the report. Another member raised a point of order that if the Minister was seeking the protection of the Chair to withhold the report from the House, then he (the Minister) would have to seek the Chairman's permission not to lay the report on the Table. The Chairman observed, "...the Government is entitled to plead that it is not in the public interest to put the documents on the Table of the House even without my permission but in that case in order to have the smooth working of the House the Government should do so in consultation with the Chair."¹⁰⁹

Where a Minister gives in his own words a summary or gist of such despatch or State Paper it is not necessary to lay the relevant papers on the Table.¹¹⁰

While replying to a calling attention, the Minister had quoted 2-3 letters. A member raised a point of order to demand laying of those letters on the Table. The Deputy Chairman ruled, with reference to the proviso to rule 249, that whatever the Minister had said was there in the main statement of the Minister also and, therefore, it was not necessary to lay the papers.¹¹¹

Laying of correspondence between Ministers

During the July-August 1978 session of the Rajya Sabha a demand was raised time and again for laying on the Table of the House some correspondence which had taken place between the Prime Minister, Shri Moraji Desai and the then Home Minister, Shri Charan Singh regarding allegations of corruption against the family members of each other. On 19 July 1978, speaking on the calling attention on the subject, the Prime Minister, *inter alia*, observed that it was a well recognised principle that communications between Ministers were privileged communications. It was necessary for a free and frank exchange of views between the Ministers and had been recognised in May's *Parliamentary Practice* also. The Prime Minister added that he proposed to adhere to his principle in the transaction of Government business.¹¹²

Following continued demands for laying the documents on the Table and noisy exchanges leading to early adjournments of the House on some days, the Chairman made the following announcement:

Members may recall that I had informed the House on 24-7-1978 that I would try to find out some solution to the matter raised in the House with regard to the tabling of the correspondence that took place between the Prime Minister and former Home Minister, Shri Charan Singh. As you are aware, I had already discussed the matter with the Leader of the House, Leader of the Opposition as well as Leaders of the other parties and groups in the House. I, therefore, know the strong feelings of the Opposition parties on this issue. Subsequent to my commitment to the House on the 24th I contacted the Leader of the House and discussed thoroughly the matter with him.

I have advised the Government that it would be better if the Government place this correspondence in the Chairman's Chamber for perusal by the Leader of the Opposition and Leaders and some Members of other parties and groups in the House who attended our meetings. The modality and procedure for the perusal of the said correspondence would be the same as was adopted in the matter of the Import Licence case in December 1974. The Government have agreed to my suggestion. I hope this will satisfy all the Members of the House.¹¹³

However, the matter continued to be raised in the House, first to demand that the correspondence be laid on the Table and then to press for admission of a no-day-yet named motion on the subject.¹¹⁴ On 3 August 1978, the Chairman gave the following ruling so far as the placing of the correspondence on the Table of the House was concerned:

Two points were raised in the House. The first dealt with notices of motions given by some Members regarding tabling of the correspondence between the Prime Minister and the former Home Minister, Shri Charan Singh. Members are aware that this issue has been raised practically every day in the House since the session commenced on the 17th of the last month. On July 27, 1978, I announced my decision that leaders of the various parties, groups and some other members of the Rajya Sabha may peruse the said correspondence in the Chairman's Room. I made this announcement after consulting all the leaders who attended our meetings; and after I made the announcement in the matter, the House accepted it and nobody opposed it. In view of this, I am of the opinion that the demand made in the said motions given notice of by these Members regarding tabling of the said correspondence does not arise.¹¹⁵

Laying of CBI Report on Pondicherry Licence Case

A reference has been made to the Import Licence case earlier. It is a landmark precedent in the procedural history of the Indian Parliament and subsequently, whenever similar or near similar occasions have arisen, a reference has always been made to the procedure adopted in this case.¹¹⁶ It may, therefore, be mentioned in more detail.

The genesis of this case was that the mention of the case came up first in the Rajya Sabha in the form of a supplementary question on 13 August 1974 on SQ no. 380, when a member referred to certain members of Parliament saying that their signatures had been forged on a letter recommending licences to certain firms in Yanam and Mahe in the Union territory of Pondicherry.¹¹⁷ It was followed up by a question (SQ no. 730) based on a press report, on 27 August 1974. In reply to the question the Minister of Commerce gave the names of members involved and the firms to which licences were issued. The Deputy Chairman directed the Minister to verify the signatures of members. The same evening the Minister made a statement saying that eighteen members had told him that their signatures were forged.¹¹⁸ On 11 September 1974, the House discussed a

motion seeking to appoint a Parliamentary Committee to investigate all matters arising out of the question of 27 August 1974. The motion was negated by a division.¹¹⁹ The members, however, continued to pursue the matter.

When, on 4 December 1974, some members of the opposition wanted the Government to lay on the Table the CBI report in the matter, the Minister of State in the Ministry of Home Affairs did not agree to it on the ground that the CBI report was a confidential and a sensitive document, that it was contrary to known practice not to lay it on the Table and that it would be injurious to the public interest to do so. He also quoted in his support the ruling of the Chairman (Dr. Zakir Husain) cited above. The Deputy Chairman observed: "I abide by Dr. Zakir Husain's ruling and I cannot go beyond that."¹²⁰

To resolve the protracted issue the Deputy Chairman suggested that "conscious of the fact there shall not be a precedent nor shall we transgress any ruling that is given in this House," Government should consider the possibility of calling all the leaders of all the opposition groups and also the Minister of Parliamentary Affairs, etc. and the CBI report could be given to the Chairman and all these leaders could go through it on oath of secrecy so that nothing was divulged to the press.¹²¹

On 9 December 1974, the Prime Minister, Shrimati Indira Gandhi, made a statement in the House explaining the reasons for not laying the CBI report on the Table but stated that "in view of the entirely unjustified propaganda being carried on... and to accommodate the sentiments of the Opposition, while maintaining legal rectitude, Government is willing to accept the suggestion that the leaders of the Opposition might see, in confidence and under oath of secrecy, the CBI report, statements made by witnesses and documents seized during the investigation, the report of the handwriting expert and even the case diaries which are not even shown to the accused."¹²²

On 10 December 1974, the Chairman stated that he would consult the different political parties and fix up the date of meeting for the purpose. The significance of the decision of the House was reflected in the Chairman's observations: "Really I must say that the credit should go to this House. We have done very well and it will be in the best atmosphere."¹²³

Laying of correspondence between the President and the Prime Minister

A demand was made in the House for a discussion on a letter purported to have been written by the President to the Prime Minister, on the basis of the text of the letter which appeared in a newspaper. The Chairman did not permit the discussion and gave a detailed ruling on the subject. He, *inter alia*, observed that it was of utmost importance that the confidentiality of communications between the President and the Prime Minister was maintained in the larger interest of democracy and the nation.¹²⁴

Laying of State correspondence

During the interpellations on a question regarding incidents of violence in Gujarat, the concerned Minister had stated that he had written to the Chief Minister of Gujarat and the Chief Minister had replied. A member wanted to know whether the Minister would lay that reply on the Table. The Minister of Home Affairs stated that he did not see any need to place it. The Chairman stated that the correspondence could not be placed on the Table.¹²⁵

Competence to lay a paper on the Table

It is for the Government to decide whether a report or a paper should be placed on the Table. The Chairman has declined to give any direction to the Government whenever a request has been made by members for laying of such a report or a paper.

When a Minister was moving a motion for reference of a Bill to a Select Committee, a point of order was raised that the report of the expert committee which was referred to in the Statement of Objects and Reasons appended to the Bill should be laid on the Table of the House. The Deputy Chairman overruled the point stating that he could not compel the Government to lay the report.¹²⁶

The House was to discuss the Thakkar Commission Report which was laid on the Table on 27 March 1989. The issue was whether the interim and final reports which were laid were the complete report or whether any portions thereof were withheld by the Government. The opposition members chose not to participate in the discussion, following the Government's refusal to place other papers connected with the report on the Table of the House. The Chairman ruled, *inter alia*, that in view of the Attorney-General's opinion tendered to the Government, as conveyed to him, he was not in a position to issue any direction to the Government in the matter.¹²⁷

The interim report on the treatment of Shri Jayaprakash Narayan was not laid by the Minister of Health even though it was listed for laying, in the list of business. The Minister made a statement explaining the reasons for not laying the report on the Table.¹²⁸

The Deputy Minister of Railways and Transport sought to lay on the Table a copy of a Notification under the Delhi Road Transport Authority Act, 1950 which had not been formally brought into force. The Leader of the House, before a member rose on a point of order, *suo motu* raised a point that the notification could not be laid on the Table in view of the decision of the House on the previous day that a fresh legislation was necessary for validating the actions taken under that Act. The notification was, therefore, not laid.¹²⁹

While answering supplementaries to a starred question on exodus of minorities from East Pakistan, the concerned Minister stated that after the report of a Committee appointed by Government was received, it would consider whether the report could be placed on the Table of the

House. A member contended that the question whether the report should be placed on the Table of the House or not could not be left to the sweet will of the Government but it was for the Chairman to decide on it. The Leader of the House (Shri M. C. Chagla) explained that the constitutional position was that if Parliament appointed a Committee, its report should be placed on the Table; but if the Government appointed a Committee, it was not incumbent upon the Government to lay the report of the Committee on the Table. The Government would have to study, after receiving the report, whether there was anything in it which might affect the security of the country or its international relations and then decide whether it could be placed on the Table or not. The Chairman agreed with the Leader of the House.¹³⁰

When the Report of the Commission on the Maharashtra-Mysore-Kerala Boundary Dispute was being laid on the Table of the House, points were raised that the Report could not be laid on the Table because the report was not being presented either in pursuance of any decision of the House or as a result of any Committee having been appointed by the House. The report, it was contended, was thus extraneous document. Another contention raised was that the report was time-barred and should not be laid on the Table. The Deputy Chairman referred to rules 249 and 250, which were cited by the member in support of his first contention and stated that rule 249 related to documents which were referred to by a Minister while speaking in the House; rule 250 related to all documents which were laid on the Table of the House under any rule or procedure or precedent. All documents once laid on the Table became public documents. They were then available to members; could be published in the press and utilized in whatever manner by the public. The general practice in the House was that documents or reports were normally placed on the Table of the House by Ministers. The practice had been that if the Government wanted to place any document on the Table of the House, it could do so and had been doing so, with the permission of the Chairman. As regards the time-limit, there was no time-limit prescribed for laying documents on the Table of the House. The report had not, therefore, become time-barred.¹³¹

Laying of a paper by the Secretary-General

It has already been mentioned in an earlier Chapter that the Secretary-General also lays some papers from time to time such as President's Address, Bills assented to by the President, etc.¹³²

On an occasion, the Chairman made the following announcement:

I received from the Prime Minister a letter and a note in regard to certain allegations made against Shri M.O. Mathai, former Special Assistant to the Prime Minister. The comments of the Finance Minister and the Comptroller and Auditor-General on the Cabinet Secretary's report were also sent to me. I am asking Secretary to lay a copy each of the documents on the Table of the House.

Thereafter, the Secretary laid the following papers on the Table:

- (1) Letter dated 6 May 1959, from the Prime Minister to the Chairman in regard to certain allegations made against Shri M.O. Mathai, former Special Assistant to the Prime Minister.

- (2) The Prime Minister's note in regard to those allegations.
- (3) Comments of the Finance Minister and the Comptroller and Auditor-General on the Cabinet Secretary's report in respect of the allegations.

The Chairman announced that the papers would be circulated to members before the House adjourned for lunch that day.¹³³

Authentication of a paper to be laid

A paper or a document which is laid on the Table is duly authenticated by the Minister or member concerned. The authentication is done on the front page of the paper in accordance with standing instructions issued to Ministers. In the case of a paper or a document which is to be laid by a Minister, an entry is made in the list of business. There is no right to a private member to lay a paper on the Table unless he is permitted to do so by the Chair. Authentication by a member is required only when he has been allowed to lay a paper.

Authenticated copies of all papers or documents to be laid on a particular day are kept at the Table before the commencement of the sitting and sent to the Parliament Library later.

Procedure for laying

Papers are required to be laid on the Table by Minister both in English and Hindi versions. Where a paper is permitted to be laid by the Chairman in one version only, the Minister has also to lay on the Table a statement giving reasons for not laying simultaneously the other version of the of the document.

When a Minister wants to lay on the Table any paper or document, the Ministry concerned forwards to the Secretariat copies each of Hindi and English versions of the paper complete in all respects, including one copy each thereof duly authenticated by the Minister concerned, at least two days before the date on which the Minister proposes to lay it on the Table. In special circumstances the Chairman may, on request, permit a Minister to lay a paper at a shorter notice. If the Minister in whose name an item stands on the list of business is not present, the paper can be laid on the Table by another Minister with prior intimation to the Chairman.

While forwarding a paper to the Secretariat, the Minister concerned is required to indicate the relevant statute under which the paper is being laid and the date on which it is proposed to be laid. Papers received from the Ministries are examined in the Secretariat to see whether they conform to the statutory requirements, if any. If it is found that there has been a delay in laying a paper, the Minister concerned is required to lay on the Table a statement, both in Hindi and English, explaining reasons to the delay along with the paper. The statement is also required to be duly authenticated by the Minister concerned.

If the Minister has indicated a particular date on which he wishes to lay a paper on the Table, an entry is made in the list of business for that date. In case no date is mentioned, the entry is normally made in the list of business for the

next day allotted to the Minister for answering questions in the House. The entry is made in the name of the Minister who has authenticated the paper. The paper is identified by the number and or title assigned to it and the list of business mentions the same or the subject briefly.

Laying a paper on the Table does not imply that the Minister is required to literally place the listed paper on the Table or hand it over thereat. The procedure is that the paper duly authenticated has already been deposited with the Secretariat; it is available at the Table when the Minister formally states that he lays the paper on the Table as indicated in the list of business and that such a paper may be made available for reference or perusal to the members on request after the Minister has laid the paper formally on the Table.

After concluding his speech on a private member's resolution, a member walked up to the Table of the House and tried to lay on the Table some document. When another member inquired from the Chair whether the paper was being laid on the Table, the Vice-Chairman observed: "Anything handed over here is not automatically laid on the Table of the House."¹³⁴

On another occasion a member wanted to lay on the Table certain newspaper items so that they form part of the record. The Deputy Chairman asked the member to take them back observing, "If I have to take papers like this, there should be a separate storage for them. This is not the way of laying papers on the Table."¹³⁵

Laying of a paper preceded by a statement

While presenting the Report of the Planning Commission on the Second Five Year Plan, the Prime Minister, Shri Jawaharlal Nehru, made a long speech. Towards the end, the Chairman observed that in presenting the report it was not necessary for the Prime Minister to have made a long speech. But by doing so, he had honoured the House and given it an advantage.¹³⁶

Similarly, the Prime Minister, Shri Jawaharlal Nehru, made a statement on the report of the Netaji Enquiry Committee and laid a copy of the report on the Table, thereafter.¹³⁷

Constitutionality of a paper being laid

The Chair does not pronounce on the constitutionality of a paper that is being laid on the Table.

When the Minister of State in the Ministry of Finance was about to lay on the Table a copy of the Ministry's Notification containing the President's Order in regard to authorisation of certain expenditure out of the Consolidated Fund of the Union territory of Pondicherry, a member contended that it was unconstitutional. The Chairman ruled:

The Chair does not pronounce on the constitutional validity of documents. Moreover, in this case the constitutional validity of this document is *sub judice*. Laying any document on the Table merely

means that information is being given to the members about its contents. Moreover, the document has been referred to in the Bill and it will be a matter which may be referred in the debate. It has already been laid in the Lok Sabha and has become a public document. I hold that this document will be laid on the Table of the House.¹³⁸

The Committee on Papers Laid on the Table is entrusted with the work of examining the papers laid on the Table in accordance with the rules. The Committee on Subordinate Legislation scrutinises 'orders' (*i.e.*, rules, regulations, etc.) from various aspects as per the rules.

Papers laid considered public

All papers and documents laid on the Table are considered public¹³⁹ and they become part of the permanent record of the House. The papers are placed in the Parliament Library and find a mention in the printed proceedings of the House together with the Library Index number given to them.

Circulation of a paper laid

Copies of papers laid on the Table are circulated to members if the Minister so desires or there is a general demand in the House. Papers on which discussion takes place in the House like the Budget documents, reports of UPSC, UGC, SC/ST Commissioner, etc. are invariably circulated to members.

On an occasion, the Prime Minister, Shri Jawaharlal Nehru, explained that it was not possible for Government to place on the Table papers connected with the enquiry into LIC affairs immediately and yet Government did not want to delay their publication till the next session. He, therefore, sought the advice of the Chairman whether it would be possible for Government to send the papers to members instead of waiting for the next session and then place them on the Table of the House. After some discussion the Chairman observed, "Our conclusion is that after the Government have considered this matter and when they come to certain decision, the UPSC report and Government's decisions will be sent to our Secretary who will distribute them to members."¹⁴⁰

Re-laying of a paper

Where the Constitution or a statute provides that 'orders' issued thereunder should be laid on the Table for a specified period, it is required to be completed in one session and if it is not so completed, the 'order' is required to be re-laid in the subsequent session or sessions until the said period is completed in one session. Where the 'orders' are laid on the Table in two Houses on different dates, the period for which they are required to be laid commences from the later date.

Where a statute provides that the 'orders' framed thereunder should be laid on the Table for a certain period which may be comprised in one or in two or more sessions the 'orders' after having been laid initially in a session are deemed to lie in the succeeding sessions till the specified period is completed

and thus such 'orders' are not formally re-laid on the Table in the succeeding sessions, for the completion of the prescribed laying period.

List of Statutory Orders laid during a session

The Secretariat publishes at the end of every session for the information of members the list of Statutory Rules and Orders made under the delegated powers of legislation, laid on the Table of the Rajya Sabha during that session together with the relevant provisions of the Statutes under which they are laid, the period for which they are to lie on the Table and the period during which modification can be made in those rules and orders.¹⁴¹

Laying of sensitive notifications

Sensitive notifications are those which make changes in export duties, import duties or excise tariffs involving revenue of more than rupees fifty lakhs per annum except cases where an existing concession is being continued.¹⁴² These notifications are required to be laid within the time as per the recommendations of the Committee on Subordinate Legislation of the Lok Sabha.¹⁴³ Supplementary list of business is issued for laying such notifications, before the House rises for the day so that the contents of the notifications are known to members in advance.¹⁴⁴

Laying report of a parliamentary delegation

The Chairman and the Speaker had appointed a delegation consisting of nine members, to tour the State of Assam for a period of ten days from 12 August 1960 with a view to —

- (i) make an assessment of the situation there;
- (ii) suggest measures for improvement; and
- (iii) propose steps for the prevention of a recurrence of such happenings there.

The delegation was asked to submit a report to the Presiding Officers of both the Houses.¹⁴⁵ The report was submitted to the Chairman by a member of the Committee who was asked by the Chairman to place the report before the House. Accordingly, the report together with letters of two members of the Committee was placed on the Table.¹⁴⁶

Custody of papers

Custody of all records, documents and papers belonging to the House or any of its committees or the Secretariat vests in the Secretary-General. When a document is presented to the House or furnished to any of its committees or the Secretariat, it forms part of the records of the House. In case any document connected with the proceedings of the House or a Committee thereof or otherwise in the custody of the secretary-General is required to be produced in a court of law, it can be furnished only with the leave of the House according to the procedure laid down, as has been described in Chapter-8 relating to Privileges.

Under section 78(2) of the Evidence Act, 1872, the proceedings of the House can be proved by the production of the authorised parliamentary publication. As such the Rajya Sabha is troubled only when unpublished documents of its proceedings are required in evidence in a court of law. In most of the other cases only the certified copies of the documents are generally called for in the first instance.

When information concerning a member from the records in the custody of the Secretary-General is required by the executive authorities *e.g.*, the police, or such authorities desire to inspect the documents or have copies thereof, the same is permitted subject to a stipulation that the same will not be produced before a court of law without the Chairman's prior permission.

A request was received from the Assistant Commissioner of Police, New Delhi, to examine certain documents in the custody of the Secretary-General in connection with the investigation of a certain case registered on the complaint of a member of the Rajya Sabha. The Chairman got the matter examined by the Committee of Privileges and informed the House that the Committee felt that the Chairman might permit the police authorities to inspect and make copies (including photostat copies) of the documents and that the Committee was of the opinion that the said documents or copies thereof should not be used or produced before a court of law without obtaining the prior permission of the Chairman to that effect. The Chairman accordingly permitted the police authorities with a caution that his prior permission should be obtained.¹⁴⁷

Laying of a paper by a private member

There is no provision in the rules of Procedure and Conduct of Business in the Rajya Sabha which confers upon a private member the right to have a document placed on the Table of the House. If, in the special circumstances of a case, a private member desires to lay any document on the Table of the House, he should give previous notice to the Chairman so that he may look into the document and then decide whether he should permit the member to lay the document on the Table of the House. The document can be laid on the Table only after permission has been given by the Chairman and not otherwise¹⁴⁸ and is duly authenticated by the member.¹⁴⁹

During a calling attention regarding licences to Birla Industries, a member started reading out extracts from Dr. Hazari's report on Industrial Licensing. Another member demanded that the member quoting from the report should be asked to place an authenticated copy of the report on the Table. A Minister stated that in the case of a report submitted to Government the Minister concerned was the only person to decide whether it was in the public interest to so lay it. The concerned Minister, thereafter, said that he would be placing a copy of the report on the Table of the House the next day. The Chairman observed:

So far as rule 249 goes, it refers only to the Minister. If a Minister quotes from any document, he could be forced to lay it on the Table of the House. There is no such rule about private members. It is left entirely to my discretion. There are circumstances in which the use of discretion can be very dangerous and can be misused and, therefore, I would not like to create a precedent, especially because the Minister has himself said that he would lay it on the Table of the House.¹⁵⁰

When a member insisted on laying on the Table a photostat copy of a letter he had obtained, the Deputy Chairman observed:

Any member can refer to any document, he may read out or he may give a summary; that is permissible, but not laying on the Table of the House. That is a discretion of the Chair. I will not allow it to be laid on the Table of the House.¹⁵¹

There have been a number of instances when private members have been permitted to lay on the Table papers and documents. Some important instances are mentioned below:

A member referred to a telegram he had received in connection with the strike in a public sector undertaking. After the Leader of the House replied, the member sought the Chairman's permission to lay the telegram on the Table, which was granted.¹⁵²

When a member, in support of his resolution, referred to the contents of some letters which certain persons had sent to Government, the Deputy Chairman ruled that although the member had not read the letters, in view of the fact that he had referred to them on the floor of the House and alleged that Government had not replied to them, he should place those letters on the Table. The member said that he would.¹⁵³

A member placed on the Table a copy of a "confidential memorandum presented to the Joint Committee on the Companies Bill, 1953, on behalf of some of the representatives of Managing Agency Houses in the country" to which the member had made a reference in his speech.¹⁵⁴

The Leader of the Opposition (Shri S. Jaipal Reddy) laid on the Table a copy of the letter dated 11 November 1991, of the Minister of Finance alongwith an Annexure to the President of the World Bank. [On the same day in the afternoon, the Minister of Finance also laid on the Table a copy of the said letter together with its enclosure.]¹⁵⁵

On a subsequent occasion, the Leader of the Opposition (Shri S. Jaipal Reddy) was permitted to lay on the Table photostat copies of the following papers in connection with the award of a contract to Asea Brown Boveri (ABB) Company, which he had sought to lay while raising a discussion on the subject:

- (i) Tender Committee Note.
- (ii) Note of Member (Electrical), Railway Board.
- (iii) D.E.A. Note dated the 7th February, 1992.

- (iv) Minutes of the Inter-Ministerial meeting held on the 10th February 1992.
- (v) Memorandum No. 87/F(FEX)/115/1/ADB, dated the 30th October 1991.
- (vi) Recommendations of the Tender Committee against Global Tender G-140/R (Commercial Rebids) for procurement of 6000 HP 3-phase AC Electric Locomotives with transfer of technology.¹⁵⁶

A member sought to lay on the Table certain papers relating to Draft Eighth Five Year Plan. The Deputy Chairman, after perusal, permitted a photostat copy each of the following papers relating to the matter to be treated as papers laid on the Table:

- (i) The World Bank/IFC/MIGA Office Memorandum, dated the 10th June, 1992; Sub.: Fiscal Adjustment and the 8th Plan.
- (ii) The World Bank/International Finance Corporation Office Memorandum, dated the 10th June, 1992; Sub.: Eighth Plan.
- (iii) Eighth Plan—Education Sector.
- (iv) Industry—VIII Plan.¹⁵⁷

A member was permitted to lay on the Table a set of papers authenticated by him as comprising a true copy of a paper captioned 'A Note on the import of sugar by Department of Food in 1989'.¹⁵⁸

A member laid on the Table a copy each of the communications exchanged between the Joint Secretary of the Ministry of Home Affairs and the Chief Secretary of West Bengal in connection with the Purulia incident.¹⁵⁹

Permission to lay a paper not granted

A member wanted to place on the Table a copy of a letter alleged to have been written by Shri M.O. Mathai to Miss Padmaja Naidu, Governor of West Bengal, in which Shri Mathai was said to have confirmed an allegation made by a member in the House against the Prime Minister, Shrimati Indira Gandhi. The Chairman made his own inquiries in the matter from the addresser as well as the addressee on the basis of a document supplied by the member and gave the following ruling:

A House of Parliament is a privileged place since the parliamentary proceedings enjoy certain immunities under our Constitution. In my opinion, private correspondence of individuals cannot be laid on the Table of the House and thus given immunities which they will not otherwise enjoy. I cannot, therefore, allow the copy of the letter in question to be laid on the Table of the House. Members of Parliament enjoy freedom of speech in the House. But I consider it to be an unhealthy practice for the members to use their freedom of speech for making charges on the basis of statements contained in private correspondence of individuals who are not entitled to use the floor of this House for making any statement.¹⁶⁰

A member sought permission to lay a statement of his party's Secretary regarding an incident which was referred to by another member in the House. The permission was not given as the member did not give previous notice, did not show the paper to the Chairman and "it would not be in order to permit such a statement to be laid on the Table of the House and thereby make it a part of the proceedings of the House."¹⁶¹

Quoting from a copy of a document

A member started reading from a letter sent by a Superintendent of Police to a company. On the Deputy Chairman questioning the member, he admitted that it was not the original letter but a cyclostyled copy of it. The Deputy Chairman did not permit him to read it holding that the member could read only from an original or certified copy thereof and if the member was prepared to place it on the Table.¹⁶²

Laying or quoting from secret documents (CBI report)

When a member quotes from a secret document which has not been disclosed in public interest and seeks to lay it on the Table, he is required to submit the document or a copy of it, to the Chairman who may consult the Government in the matter before deciding whether the document should be allowed to be laid on the Table. However, members are expected to use their discretion in the use of material that gets into their hands.¹⁶³

After Question Hour was over a member claimed that he had a copy of the CBI report on certain allegations against two Chief Ministers and some other Ministers of the Government of Orissa and also of the findings of the Cabinet sub-Committee thereon and asked for the Chairman's permission to lay a copy of the documents on the Table of the House. The Chairman did not give permission and asked the member to supply the documents to him so that he could examine them and decide. Later in the day, when the member tried to quote from the CBI report, the Chairman said that the CBI report was a Government document and had not been laid on the Table. The Chairman, therefore, did not permit the member to quote from it and again asked the member to give him a copy of the documents so that he could consult the Government and decide. The Chairman stated that a non-official member could not lay any paper on the Table of the House except with the permission of the Chairman. After a few days the Chairman gave the following ruling after examining the papers:

I have since seen the papers given by Shri Lokanath Misra and also consulted the Government in the matter. The Government do not propose to lay the CBI report and the findings of the Cabinet sub-Committee on the Table of the House as they are of the view that these are secret and confidential documents and as such privileged. In these circumstances, I will not be able to insist upon the laying of these documents by Government on the Table of the House.

The next question is whether Shri Lokanath Misra may be permitted to lay the papers which he has in his possession and which he

claims to be copies of the CBI report and findings of the Cabinet sub-Committee on the Table of the House. I regret I cannot permit him to do so. These are in their very nature confidential and secret documents and as such I cannot permit them to be laid on the Table of the House. Besides, for obvious reasons, Shri Lokanath Misra cannot authenticate the papers he desires to lay on the Table.

As to how far Shri Lokanath Misra can, during the course of his speech in the House, make use of the contents of these papers, I would only say this much that the matter should be left to the good sense and discretion of the member himself.¹⁶⁴

When a matter regarding bugging of telephones of some Members of Parliament, MLAs, Ministers, etc., was being raised, there was demand for laying the report of the CBI on tapping of telephones. The Prime Minister in reply, *inter alia*, stated as follows:—

The CBI report is not the Commission of Inquiry report. Investigating agencies' reports are not laid on the Table of the House. There has been an occasion when private members have laid some purported report of the CBI or other agencies but never in the history of this Parliament, the Government has ever laid on the Table of the House the report of the investigating agency because it will not be possible then for the investigating agency to function properly. Otherwise, I have no other thing to conceal or keep away the report from this House. In order to see that the investigating agency functions effectively, I am constrained to say... I will not share... I am guided by the rules, by laws and by conventions.

When a member stated: "This is the report. I beg to lay on the Table." The Deputy Chairman observed: "... without my permission it cannot be laid on the Table of the House... He should not do it. It is not proper."¹⁶⁵

Statement by Minister

With a view to keeping Parliament informed about matters of public importance or Government's policy in regard to various matters, Ministers make statements in the House from time to time, with the consent of the Chairman. As per the rule, no questions can be asked at the time the statement is made.¹⁶⁶

Circulation of copies of a statement to be made

As per the practice copies of the statement to be made are required to be circulated to members in Hindi and English in the Chamber itself.

When a Minister was about to make a statement on the situation in Punjab, some members complained that they were not supplied with copies of the statement. When the Minister stated that the copies were on the way, the Chairman ruled that the statement should have been circulated to members immediately, even when the Minister started making the statement; otherwise it would be difficult for members to follow.¹⁶⁷

Notwithstanding the mandatory provision of the rule, a convention or practice has grown in the Rajya Sabha over a considerable period of time to permit members to seek a few clarifications on a statement made by a Minister.¹⁶⁸ Generally, the clarifications are sought immediately after the statement is made. However, if the statement is lengthy or is on a very important matter, the clarifications may be deferred and sought on the next or subsequent day.¹⁶⁹ Sometimes clarifications have spilled over to the next day also.¹⁷⁰

For instance, on Friday, 22 November 1991, three statements were made; clarifications on two of them were sought on Monday, 25 November 1991; clarifications on the third statement were sought on Tuesday, 26 November 1991.

The Minister gives a reply to all the clarifications together immediately or on the next day,¹⁷¹ or a subsequent day,¹⁷² depending on the convenience of the House or the subject matter of the statement.

Clarifications only on suo motu statement

In view of the long-established practice in the Rajya Sabha in permitting members to seek clarifications on a statement made by a Minister, sometimes a question arises whether the statement made by the Minister is a *suo motu* statement or is in response to some observations made by members on some matter. In the latter case, ordinarily no clarifications are permitted.

While the Prime Minister was replying to certain points raised by some members regarding purchase of Bofors Guns, a member wanted to seek a clarification thereon. The Chairman ruled that if the Prime Minister made a *suo motu* statement, the member was entitled to seek clarifications. The Prime Minister's statement was just in response to members' questions. Hence no clarifications were permitted to be sought.¹⁷³

As directed by the Chairman, the Minister of Finance laid a copy of the letter written to the World Bank.¹⁷⁴ A demand was made the next day that the full report of the World Bank be laid on the Table. At the end of the day the Minister wanted to make a statement in response to the points raised but when some objections were taken thereon, he was permitted to lay the statement on the Table.¹⁷⁵ Members could not, therefore, seek clarifications on the statement. Next day there took place a procedural controversy whether the statement laid amounted to a *suo motu* statement and the members had a right to seek clarifications thereon¹⁷⁶. The Deputy Chairman ruled that the statement which the Finance Minister had laid on the Table was not a statement of the type on which clarifications could be allowed.¹⁷⁷

However, on an occasion, as per the direction of the Chairman when the concerned Minister came to the House to make his statement on the Narmada Sarovar Project in response to special mentions made on the subject by members a couple of days ago, the Deputy Chairman clarified that it was a statement made to clarify points raised by members and no further clarifications should be sought. But members did not agree.

Eventually, the making of the statement was deferred by more than four hours with the direction that copies of the statement in English and Hindi should be got ready for circulation amongst members. Thereafter, the statement was made and clarifications thereon were permitted.¹⁷⁸

If, however, a statement is not made but the Minister is permitted to lay the statement, clarifications thereon may be permitted at a time which may be fixed by the Chair.¹⁷⁹

A statement was laid on the Table on 9 May 1972, regarding suicide of a scientist of IARI, New Delhi. Members sought clarifications the next day. A further statement was laid clarifying the points on 16 May 1972. On 18 May 1972, a short duration discussion was held on the subject.

Thus, the practice of seeking clarifications has become an integral part of the procedure of the House. The House seldom forgoes this 'right'. The House may not use the 'right' when opportunity is otherwise made available for discussion on the subject matter of the statement;¹⁸⁰ or a statement may be left without clarification for want of time.

The Prime Minister made a statement on the Jawahar Rozgar Yojana. No clarifications were sought thereon on the assurance that the House would discuss the statement and the scheme,¹⁸¹ which was done on 12 May 1989.

The advantage of the practice is that it provides an additional device to members to discuss a subject of public importance. It enables the members to extract a little more information or find out a little more indication of Government's mind. However, the practice or procedure also poses a problem both to the Chair as well as to the House as a whole. The Chair faces the problem because at a particular time there are always a number of members wanting to seek clarifications and it becomes difficult for the Chair to choose who, out of so many members wanting to speak, should be called. The problem before the House is, as elsewhere in other Parliaments, paucity of time. If the process of seeking clarifications gets prolonged or develops into a debate on a statement it consumes lot of time.

During the 139th session (1986), 18 hours were spent on clarifications on statements of Ministers; during the 159th session (1991), 21 hours, during the 155th session (1990), 22 hours and 25 minutes and during the 153rd session (1990), 23 hours and 19 minutes were devoted to seeking clarifications. Some statements have evoked 3-4 hours of clarifications and on an occasion one statement consumed seven hours spread over three sittings due to clarifications (however, the statement was of extreme importance, namely, the escape of an accused in the Rajiv Gandhi Assassination case).¹⁸²

On an occasion the Deputy Chairman observed:

There is no difference these days between observations made during calling attention and clarifications on Ministers' statements. On both the

occasions members made speeches, "only the nomenclature is different."¹⁸³

Regulating clarifications on a statement

A sort of regulatory measure was adopted by the Chairman who laid down the following procedure regarding clarification on Minister's statement :

- (i) Only one member from a party/group be called to seek clarification on a Statement.
- (ii) If there are more than one member to seek clarifications, the request received first in point of time may only be accepted ignoring the request from another member belonging to the same party/group received later in point of time.
- (iii) Requests for seeking clarifications on a statement should be made before the Minister makes the statement; those received subsequently may not ordinarily be entertained.¹⁸⁴

Subsequently, the Business Advisory Committee considered the matter and recommended the following procedure:

- (i) Only one member from a party/group having a strength of four or more members may be called to seek clarifications on a statement; and so far as the Congress (i) party is concerned, 2-3 members from that party may be called to seek clarifications.
- (ii) Members belonging to a group whose strength is less than four may be grouped together and given a chance to seek clarifications by rotation, not more than three on a statement.
- (iii) Names of members who may be called to seek clarifications may be supplied to the Chair by Leaders/Whips of the parties/groups.
- (iv) No member should take more than three minutes to seek clarifications.¹⁸⁵

This recommendation of the Committee was implemented towards the last three days of the 159th session when the statements were made. Some members objected to the new procedure on the ground that it curtailed their freedom and right to seek clarifications. However, the Leader of the House observed, "it is necessary for all of us to understand that there is certain discipline which we have to follow. In the Business Advisory Committee, all the political parties are represented. ...This is the commitment we have given."¹⁸⁶

Instead of seeking clarifications on statements then and there, it is open to members to raise discussion on a Minister's statement by tabling a suitable notice. There have been a number of instances when the House has discussed important Ministerial statements by way of short duration discussion or motion.¹⁸⁷ A statement may be taken up for immediate discussion also.

The House held a six-hour discussion on 29 July 1982, on the statement made on the previous day on Kuo oil deal which was the subject-matter of the Forty-seventh Report of the Public Undertakings Committee. The Bhopal Gas tragedy,¹⁸⁸ securities scam,¹⁸⁹ Textile policy,¹⁹⁰ racial riots in South Africa,¹⁹¹ etc. were taken up for discussion on the basis of statements made by the concerned Ministers. The statement on demolition of the Ram Janam Bhoomi Babri Masjid structure was taken up for immediate discussion.¹⁹²

Statement when calling attention already admitted

A Minister makes a statement in response to a calling attention also, However, that does not prevent a Minister from making a *suo motu* statement on the same subject without waiting for an opportunity to do so when a calling attention is taken up.

When the Minister was about to make a statement on the burning of huts of Harijans in Moradabad, Uttar Pradesh, a point of order was raised to assert that the Minister could not make a statement on a subject which was likely to be admitted for the next day. The Chairman suggested that the Minister might postpone the statement till the calling attention was taken up. The Leader of the House drew the Chairman's attention to rule 251 and stated that the Minister was entitled to make a statement on the floor of the House after seeking Chairman's permission irrespective of the fact whether a calling attention or special mention was pending. As there was controversy on the point, the House was adjourned earlier than scheduled for lunch recess for consultation in the Chairman's Chamber. After the House reassembled the Deputy Chairman announced that the direction of the Chairman was that the Minister might be allowed to make the statement, no questions should be asked thereon and the calling attention on the subject would be admitted for the following day for regular discussion.¹⁹³

Division

General Procedure

Save as otherwise provided in the Constitution,¹⁹⁴ all questions at any sitting of either House or joint sitting of the Houses are determined by a majority of votes of the members present and voting, other than the Speaker or the person acting as the Chairman or the Speaker.¹⁹⁵

"Ordinarily, questions are decided in the House by a vote, a simple majority being required to affirm or negative a question. Sometimes a vote is carried to a division, which is a physical separation into two lobbies of those members wishing to vote for and those wishing to vote against a question."¹⁹⁶ Though due to introduction of electro mechanical system of voting in the House, physical separation of the House has become rare, the word 'Division' continues to be used for the voting process.

On the conclusion of a debate, the Chairman puts the question before the House and invites those who are in favour of the motion to say "Aye" and those

against the motion to say "No".¹⁹⁷ Then the Chairman says (tentatively) "I think the Ayes (or the Noes, as the case may be) have it." If the opinion of the Chairman as to the decision is not challenged, he says twice (definitely). "The Ayes (or the Noes, as the case may be) have it" and the question before the House is determined accordingly.¹⁹⁸ If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In such a case, the names of the voters are not recorded.¹⁹⁹

When the resolution extending the President's Rule in Tamil Nadu was put to vote, there was a demand for division. The Chair asked the members to stand in their places and after taking a count for "Ayes" and "Noes" declared the resolution as adopted. Objection was taken by a member to this procedure but the objection was not sustained in view of rule 252(3).²⁰⁰

If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the above procedure, he orders a "Division" to be held.²⁰¹ After a lapse of two minutes, the Chairman puts the question a second time and declares whether in his opinion the "Ayes" or the "Noes" have it.²⁰² If the opinion so declared is again challenged, votes may be taken by (1) operating the automatic vote recorder, or (2) the members going into the Lobbies.²⁰³

Questions are generally decided by voice vote unless the opinion of the Chairman is challenged by members and they demand a division, in which case the Chairman orders the division. When a question is decided by a voice vote, the Chairman does not announce the numbers of "Ayes" and "Noes".

In theory, he (the Chair) judges by the loudness of the respective cries whether the ayes or the noes are the more in number. In practice his decision is based on his knowledge of the balance of opinion in the House. Unless some member challenges his decision by calling out 'no' when he says that he thinks the ayes have it or *vice versa*, the Chair *declares* that the ayes or the noes, as the case may be, "have it". If, however, the minority or any individual member challenges his decision, he directs the lobby to be cleared.²⁰⁴

If a member wants to challenge the decision of the Chair on a question, he must do so immediately after the Chair expresses the view "I think the Ayes/Noes have it" and before he declares the result.

On an occasion, a private member's resolution was declared as adopted by voice vote. Some members objected stating that before the result was declared they had demanded division. The matter led to a controversy and the House was adjourned for a while for consultation. After the House reassembled, two amendments were permitted to be moved by the mover and the resolution, as amended, was put to vote and adopted again.²⁰⁵

When a division is about to be taken, only members of the House have the right to be present in the inner lobby and all other persons must vacate it. In other words, the lobby has to be cleared for a division. A member of the other House, who is a Minister can be present in the House during a division though he has no right to vote. It is, however, better if he is not present in the House to avoid objection.

When an amendment to the Motion of Thanks on the President's Address was being put to vote, a member requested all the Ministers except the Prime Minister who were not members of the House, to vacate the House before voting. The Leader of the Opposition (Shri Lal K. Advani), however, did not agree with the suggestion. He was of the opinion that Ministers who were not members of the House could remain in the House. Thereupon, the Chairman observed, "Nobody who is not a member of this House will be allowed by me to vote. That is the end of the matter."²⁰⁶

Before the motion for consideration of the Constitution (Sixty-fourth Amendment) Bill was put to the vote of the House, an objection was taken by a member about the presence of Ministers who were not members of the House. The member wanted that the concerned Ministers should be asked to leave the House while the division was in progress. The Chairman, however, over-ruled the objection, observing that the Chair had no right to ask them to go out. It was at their discretion. They should not, however, go into the inner lobby.²⁰⁷

As per the practice where there are several divisions on the clauses of a Bill or amendments to clauses, these are held one after the other and the lobby is not cleared again and again.

Operation of Division Bells

The Division Bells of the Rajya Sabha and the Lok Sabha are painted in red and green colour, respectively.

The distinction in the sound of these two kinds of Division Bells is that in the former case the bell rings intermittently while in the latter case it rings continuously.

Whenever a Division is called in the Rajya Sabha, the Secretary-General operates a switch at his/her Table, which causes the Division Bells of the House to ring at hundred twenty-four points in various parts of the Parliament House, Parliament House Annexe and Parliament Library Building in order to summon the members to the House.

The Division Bells for both the Chambers of Parliament have been installed on all the floors of the Parliament House, Parliament House Annexe, but more particularly in or near Committee Rooms, Library Rooms, Ministers' Rooms, Notice Office, Post Office, Refreshment Rooms and Waiting Halls.²⁰⁸

No speeches during a division

When a division has been called and the lobbies are being cleared, the debate is closed and no member can rise to speak, or address the House.

When the lobbies are being cleared, no speech, or submission is recorded in the proceedings.

Discretion of the Chair not to allow a division

In order that the House may not be forced to a division on trivial occasions, the Chair has the power, if he thinks a division is being unnecessarily claimed, to disallow a request for a division. He can also call upon the members, who support and those who challenge his decision, successively to stand up, and thereupon, as he thinks fit, to declare that "the ayes (or Noes) have it", as stated earlier:

On an occasion when a member asked for a division on his amendment, the Vice-Chairman invited the member's attention to sub-rule (3) of rule 252 and emphasised the words "if he thinks fit" in that sub-rule and observed that the concerned member did not genuinely think it fit to ask for a division.²⁰⁹

Division by Automatic Vote Recorder

If the Chairman decides that the votes should be taken by operating the automatic vote recorder, he directs accordingly and the machine is put into operation. Each member is assigned a fixed seat and a member casts his vote from there by pressing the requisite button provided for the purpose. In December 1994, a new computer-controlled Integrated Sound, Simultaneous Interpretation and vote recording system was installed in the Rajya Sabha Chamber. Under that system, each member has been provided with an integrated microphone and voting console which contains Four Buttons—"PRES"—"P" for Present; "ABST"—"O" for Abstain; "AYES"—"A" for Yes and "NOES"—"N" for No. Also there is a separately situated security button in "Red" (Vote Activation) provided on the LANGUAGE SELECTOR which has to be pressed in addition to the voting button. Both buttons have to be pressed simultaneously at the time of closing of voting in order to register a valid vote.

For example, if the voting period is ten seconds, then the buttons kept pressed at the tenth second will record vote. In case either one or both these buttons are released prior to close of voting period, the vote will not be registered.

During the voting period, the member can change his vote at any time. The vote cast at the time when the voting period is ending will only be recorded. The countdown time is indicated on the Total Result Display Boards/Large Screen Hall Display. There are two types of Display Boards provided in the Chamber. One set displays the individual results and the other, total results.

The Individual Result Display Panels are located on either side of the Chairman's seat, arranged in a geographical layout similar to the seating arrangement of the Chamber. For each member, the corresponding division is indicated on the Panel alongwith display array which shows: a green "A" for Ayes, a red "N" for No, a yellow "O" for Abstain, and an amber "P" for Present.

These are shown instantaneously changing while voting and is "frozen" at the end of the voting, by three characters A, N or O. The total results come on Display Panels located in galleries on left and right sides of the Chair.²¹⁰

On the Secretary-General's Table, a Key-Board is fixed by operating which, at the Chairman's direction, the Secretary-General sets the voting process in motion and before doing so also explains the procedure to the members in the House, if so directed by the Chair. The voting process starts with a musical sound on Large Screen Display in two corners of the Chamber.

After the result of the voting appears on the Display Board, the Secretary-General presents the totals of "Ayes" and "Noes" to the Chairman. The result of the division is announced by the Chairman and cannot be challenged.²¹¹

A member, who is not able to cast his vote by pressing the button due to any reason considered sufficient by the Chairman, may be permitted to have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the division is announced.²¹² Similarly, if a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake before the result of the division is announced.²¹³

On 15 December 1961, the Deputy Chairman made the following announcement in connection with the correction of voting figures on an amendment to a clause of the Constitution (Eleventh Amendment) Bill, 1961:

...many members stood up and represented that they had not correctly understood the proposition before the House and had not, therefore, been able to record their votes properly. Some members pointed out that they had not voted at all; some members stated that they had voted *for* the amendment by mistake; and one member represented that he had voted *against* the amendment instead of *for* it. I permitted those members to give their names and their names were accordingly recorded and taken into account for the purpose of declaring the decision of the House. The decision as announced was: Ayes...25 Noes...134.

On checking up with the photostat copy of the division list, it is found that ten Members whose names had been recorded as stated above, had in fact taken part in the voting and their names are included among the "Ayes" list. What these members had requested was only to correct their mistake and transfer their names from the "Ayes" list to the "Noes" list. In announcing the result of the division, although the names of those ten members were included in the "Noes", they were not excluded from the "Ayes". One member who had voted with the "Noes" by mistake but who wanted to correct his mistake was also included in the "Ayes" list at the time of announcing the decision. His name had not also been taken out of the list of "Noes".

Under sub-rule (5) of rule 214A(*old*) of the Rajya Sabha Rules, if a member finds that he has voted by mistake by pressing the wrong

button, he can bring the matter to the notice of the Chair before the result of the division is announced and would be allowed to correct his mistake.

It will thus appear that there was an error in the announcement of figures of the division. The House has already taken a decision on the amendment and this error has absolutely no effect on it. However, I consider that the correct position should be on record.

I have accordingly directed necessary corrections to be made in the records of the House of December 12, 1961. The result of the voting as so corrected will be: Ayes.. 15; Noes.. 134.

Thereafter, a member on a point of order, pointed out that the ruling had created a wrong precedent and the voting figures could not be changed after the result was announced. The Deputy Chairman referred again to (old) rule 214A (5) corresponding to present rule 253(5) and stated:

On the day on which the votes were recorded several members represented that they had made wrong voting and, therefore, their vote was recorded by voice. This could not be checked up with the photostat copy which came to the Office only the next day. And I find that ten persons have voted twice. What is now sought to be done is only to correct the records in consonance with the photostat copy, and nobody's vote is taken away either for "Ayes" for "Noes." I find that there is no point of order and the ruling given is correct.²¹⁴

Division by distribution of slips

The method of division by distribution of slips in the House is used only when the AVR machine goes wrong. Whenever it becomes necessary to hold a division by this method, members are supplied at their seats with "Ayes"/ "Noes" printed slips for recording their votes. They are printed in different colours for use of members, block-wise. On these slips, members are required to record votes of their choice by signing and writing their names, division numbers and dates legibly at the appropriate places.

After the votes have been recorded, the division clerks collect the slips from each member and handover the same to the Officer at the Table who scrutinises the same, counts the votes recorded and compiles the result. The result so arrived at is then announced by the Chair and thereafter incorporated in the printed debates, with particulars of each member's vote.

On the motion for consideration of the Constitution (Sixty-fifth Amendment) Bill, 1989, the Chairman directed "in order to avoid any confusion, slips are distributed. Each member will mention his division number and will write Yes or No and put his signature so that we will have the record."²¹⁵

Division by going into the Lobbies

When the Chairman decides that the votes should be recorded by members going into the Lobbies, he directs the members for "Ayes" to go into the Right

Lobby and those for "Noes" into the Left Lobby. In the "Ayes" or the "Noes" Lobby, as the case may be, each member calls out his Division Number and the Division Clerk while marking off a member's number on the Division List, simultaneously calls out the name of the member.²¹⁶

After voting in the Lobbies is completed, the Division Clerks handover the Division Lists to the Secretary-General, who counts the votes and presents the totals of "Ayes" and "Noes" to the Chairman.²¹⁷ The result of a division is then announced by the Chairman and cannot be challenged.²¹⁸

A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded either at his seat or in the Members' Lobby.²¹⁹ If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake, provided he brings it to the notice of the Chairman before the result of the division is announced.²²⁰ When the Division Lists are brought to the Secretary-General's Table, a member who has not upto that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman.²²¹

The House held a marathon sitting to vote on the 14-clause of Essential Services Maintenance Bill, 1981. During this period, the House underwent 58 divisions, 54 by automatic vote recorder and 4 by going into Lobbies.²²²

Abstention not counted for 'Present and Voting'

As already noted in Chapter 21 dealing with Legislation, abstentions in any voting are not taken into consideration in declaring the result on any question. A member who votes 'abstention' either through the electronic vote recorder or on voting slip or in any other manner does so only to indicate his presence in the House and his intention to abstain from voting. He does not record his vote within the meaning of the words 'present and voting' used in article 368 dealing with amendment of the Constitution.

Voting by Presiding Officers

Under the Constitution, the Chairman or the person acting as such cannot vote on a division; he has only a casting vote which he must exercise in the case of equality of votes.²²³ The Deputy Chairman, or a member of the panel of Vice-Chairmen, who is in the Chair at the time of voting, is also debarred from voting on a division and can have and must exercise a casting vote in the case of equality of votes.

Casting vote by Presiding Officer/Chairman of Committee

As stated above, the Constitution debars the person acting as the Chairman from voting in the first instance, *i.e.*, he cannot vote on a division as an *ordinary* member; he has only a casting vote which he must exercise in the case of an equality of votes.

For the first time in Rajya Sabha when the statutory resolution disapproving the Code of Criminal Procedure (Amendment) Ordinance, 1991, was put to vote and there was equality of votes (39 in favour and 39 against), the Vice-Chairman exercised a casting vote to break the tie, in favour of the resolution.²²⁴

In the case of parliamentary committees, the Rules of Procedure in the Rajya Sabha contain differing provisions as regards the second or casting vote by the Chairman of the Committee. For instance, the Chairman of a Select Committee on a Bill or other person presiding over the Committee has been given a second or casting vote,²²⁵ whereas in the case of Committees on Subordinate Legislation, Government Assurances, Papers Laid on the Table and House Committee, it has been specifically provided that the Chairman of such a Committee shall not vote in the first instance but in the case of an equality of votes on any matter, he shall have, and exercise, a casting vote.²²⁶ The rules relating to the Committee on Petitions and Committee of Privileges are silent on this aspect.

Points of Order

Introduction

One of the most vexatious parliamentary practices which confronts a Presiding Officer and which he has to encounter is a point of order raised during the debate. The practice raises real problems for the Chair and causes exasperation amongst members who are prepared to abide by the rules and do not raise matters of argument or debate under the cloak of points of order. The problem for the Chair lies in the fact that, until he hears at least a substantial part of a member's submission, he (the Chair) is not in a position to rule that it is not a point of order. The Chair may, of course rebuke a member who blatantly and frequently raises a 'bogus' or unwarranted point of order. But at the same time, the Chair cannot, in general, refuse to hear points of order. However, there are some situations in which the Chair may refuse to entertain the points straight away so that at least in those situations the "points of order raisers" do not have things all their own way and the time of the House is not wasted in making or hearing submissions on points which are clearly no points of order.

What is a point of order

A point of order is a point relating to the interpretation or enforcement of the Rules of Procedure or such articles of the Constitution as regulate the business of the House raised in the House and submitted for the decision of the Chair.

Any member can and should bring to the Chairman's immediate notice any instance of what he considers a breach of order or a transgression of any written or unwritten law of the House which the Chair has not perceived, and he may also ask for the guidance and assistance of the Chair regarding any obscurities in procedure. A member is entitled, in such cases only, to interrupt

a debate by rising and saying, "On a point of order, Mr. Chairman" and then to lay the point in question concisely before him, although there is often some doubt amongst members as to what exactly constitutes a point of order, and the reply is quite frequently, "that is not a point of order."²²⁷

Provision in the Rajya Sabha Rules

Rule 258 of the Rules of Procedure and Conduct of Business in the Rajya Sabha makes a provision to enable a member to raise a point of order. It reads as follows:

- (1) Any member may at any time submit a point of order for the decision of the Chairman, but in doing so, shall confine himself to stating the point.
- (2) The Chairman shall decide all points of order which may arise, and his decision shall be final.

How a point of order is raised

A member who has a point of order should stand up and say 'Point of Order'. He should not proceed to formulate it until he is identified and permitted by the Chair.²²⁸ Thereafter, he should proceed to speak on his point of order. While formulating his point of order he should quote the specific rule or the provision of the Constitution relating to the procedure of the House which may have been ignored or neglected or violated. No member should rise or speak, either standing or sitting, when the Chairman is on his feet. The Chairman should be heard in silence and any member wanting to speak should rise only after the Chairman has sat down and called the member to speak.²²⁹ Matters on which the Chairman cannot give any relief should not be made a subject of a point of order. Should a member desire to have a clarification from a Minister or object to any statement which a Minister might have made, he should say so in the House with the permission of the Chairman and should not raise it in the garb of a point of order.

Procedure after a point of order is raised

The right to raise and formulate a point of order is a valuable right of a member and can be exercised by him at any time on a matter or any business then under discussion. The point of order, when raised, has the effect of suspending the proceedings before the House. On a point of order being raised, the member who is in possession of the House at that time must give way and resume his seat.²³⁰ No debate is allowed on a point of order, but the Chair may, if he thinks fit, hear members before giving his decision. It can be raised only in relation to the business before the House at the moment; the term 'business before the House' means business included in the list of business for the day.

When two or more points of order are raised on a subject-matter, the Chair may take them one by one and give his decision.

A member wishing to raise a point of order has the right to be heard before a decision can be given by the Chair. On his formulating a point of order, the

Chair decides whether the point raised is a point of order and, if so, gives his decision thereon, which is final. Members cannot protest against the Chair's ruling, to do so is a contempt of the House and the Chair. Rulings given by the Chair cannot be discussed in the House nor can any clarification or explanation sought thereon.

It is perfectly in order if the Chair does not take cognizance of a point of order raised by a member. The Chair may reserve his ruling on a point of order at the moment and may deliver it on a later date. Similarly, the Deputy Chairman or a member occupying the Chair may reserve a point of order for the decision of the Chairman.

Who can raise a point of order

As rule 258 provides, 'any member' may submit a point of order. Rule 2 defines a 'member' to mean a member of the Rajya Sabha. In this context, the question has been raised in the Rajya Sabha about the competence of a Minister to raise a point of order. So far as a Minister who is a member of the House is concerned, he has all the rights and privileges *qua* member of the House, though sometimes the right of such a Minister to raise or speak on a point of order has also been questioned but upheld by the Chair.²³¹

So far as a Minister who is not a member of the House is concerned, on many occasions objection has been taken to such a Minister raising or speaking on a point of order in the Rajya Sabha and the Chair has ruled that such a Minister does have the right to raise a point of order or speak on a point of order already raised by a member.

An objection was sought to be taken to a Minister (who was not a member of the House) speaking on a point of order raised on a Bill, on the ground that the point of order was purely relating to the rights and privileges of the House and only members of the House could speak thereon. This was over-ruled by the Chairman who observed, "All Ministers are entitled to speak in either House."²³²

When a Minister who was a member of the other House wanted to raise a point of order, objection was taken by a member that he (the Minister) could not do so as he was not a member of the House in view of rule 258. The Chairman referring to that rule as well as rule 2 observed:

...there is the super law of the Constitution. Article 88 reads 'Every Minister, and the Attorney-General of India shall have the right to Speak in, and otherwise to take part in the proceedings of the House...' etc. The point relates to: 'otherwise to take part in the proceedings.' Does it mean 'to take part in the proceedings'—to the same extent as any other member or to go beyond the scope of the Rules? Now here we follow the principle that earlier precedents weigh with the Chairman. I have been told that there is an instance when my predecessor had ruled that an hon'ble Minister when he is in the House, will be entitled to raise a point of order. I think it would be wrong for us to depart from what has been once decided in this House.²³³

When a Minister raised a point of order, a member objected that the Minister concerned had no *locus standi*, being a Minister he could be present in the House, otherwise he was a stranger to this House and the right to raise a point of order emanated from the fact that a person was a member of the House, no other circumstances permitted him to do so. The Deputy Chairman ruled:

He (*i.e.*, Minister) can participate in the proceedings. It is a procedural matter. There is a constitutional provision that he can participate in the proceedings and on that basis raise a point of order.²³⁴

What is not a point of order or when a point of order should not be raised

The rule quoted above, does not envisage or elaborate upon all the situations when points of order can or cannot be raised by a member, or define precisely what is a point of order and what is not. It is also not possible to visualise all the situations in which the Chair may rule on a point of order either upholding it or negating it. However, from the rulings given by the various Presiding Officers in the Rajya Sabha, Lok Sabha and elsewhere and precedents, some situations may be indicated when there is definitely no point of order or when a point of order cannot be raised. Some of them are described below.

No point of order on a business not before the House

A member cannot raise a point of order on a business that is not before the House. It can be raised only on the conduct of the proceedings and the business that is on the anvil. It should pertain to something which is before the House.²³⁵

In the course of discussion on a Bill, a member sought to raise a point of order concerning a question put to the Minister during Question Hour. The Deputy Chairman ruled it out saying that the member could not raise a point of order on something which happened that morning; he could raise a point of order concerning the debate that was going on and whatever query the member had, could be raised next day after Question Hour or the member could write a letter to the concerned Minister.²³⁶

No point of order on a point of order

When one member was explaining his point of order, another member rose on a point of order. Although the Chair was not permitting him to do so, the member pressed the Chair for listening to his point of order, for, in his opinion, his point of order was very important. Disallowing the second member's point of order, the Deputy Chairman observed, "That is not the parliamentary practice. When one point of order is raised, you cannot raise another point of order. There is no point of order on a point of order."²³⁷

No point of order on a matter under Chairman's consideration

When a member raised a point of order on a matter about which he had written to the Chairman, the Deputy Chairman observed that since it was under the consideration of the Chairman, there was no need to proceed with the point of order made by the member.²³⁸

No point of order to question Minister's remark

When a member raised a point of order on some observations of the Prime Minister on Calcutta city, the Deputy Chairman observed that the Minister could give any reply, it might be liked or not liked by a member. It could not be questioned.²³⁹

During question time and half-an-hour discussion

It is now an established practice that no point of order can be raised during Question Hour, perhaps "because of the general desire to make progress during the limited time available for Questions." The Presiding Officers in the Rajya Sabha have consistently refused to allow raising of points of order during question Hour (unless it is extraordinary).²⁴⁰

However, there have been some instances when exception has been made to this practice in view of the extraordinary point involved, as described in Chapter 17 relating to Questions.

For the same reason a point of order cannot be raised during half-an-hour discussion.²⁴¹

During the division

When the Chair is engaged in collecting the voices in the course of putting the question, or during the course of a division that follows the putting of question, he will not hear a point of order; for, if he does, the division and the consequent determination of the House on a question, might last several hours.²⁴²

Asking for procedural advice

On occasions members ask for Chair's advice as to what procedural remedy exists for what they consider to be an unsatisfactory situation. This advice is generally asked on a point of order. The Chair in such cases may interrupt the member by telling him that he should not ask for advice by way of a point of order.

Other instances or situations

- (1) A point of order is not a point of privilege.²⁴³
- (2) A member shall not raise a point of order—
 - (a) to ask for information; or
 - (b) to explain his position; or
 - (c) when a question on any motion is being put to the House; or
 - (d) which may be hypothetical; or
 - (e) that Division Bells did not ring or were not heard.²⁴⁴
- (3) A point of order cannot be raised in respect of an item of business after that item has been disposed of. In other words, there can be no point of order in vacuum.

- (4) No point of order can be raised on contradictory statements alleged to have been made by Ministers or members or regarding disqualification of a member.
- (5) A point of order must refer to procedure and not to substantive arguments on a motion, etc.
- (6) Points of order relating to the same matter cannot be raised by a member more than once.
- (7) A point of order cannot be raised while the Chairman is placing a motion before the House or delivering his ruling or making observation or otherwise speaking.
- (8) Matters on which the Chair cannot give any relief should not be made the subject-matter of a point of order.
- (9) Points of order already decided cannot be reopened.
- (10) A point of order on a Bill or resolution cannot be raised unless the motion in respect of the Bill or the resolution entered in the list of business has been moved and placed before the House. Similarly, a point of order regarding the admissibility of a resolution or motion or urging that a motion or resolution should not be allowed to be moved, can be raised only after the resolution or motion has been moved and placed before the House.
- (11) The test for judging whether a point raised is a point of order or not is not whether the Chair can give any relief but is whether it involves such interpretation of the rules, directions and various provisions of the Constitution which regulate the business of the House and whether it raises a point which the Chair alone can decide.
- (12) The Chair does not give any ruling on a point of order which raises the question whether a Bill is constitutionally within the legislative competence of the House or about the constitutionality of any Declaration/Agreement/Treaty under discussion on a motion/resolution. It is for the House to deal with such matters.
- (13) A point of order regarding arrangement of business should relate to arrangement of items already included in the list of business for the day; it may not be raised for inserting any new item which is not in the list of business.
- (14) A point of order may not be raised regarding proceedings of an earlier sitting.
- (15) There cannot be any point of order on rulings given by the Chair.²⁴⁵

The above list of situations when points of order should not be raised or may not be permitted to be raised, is only illustrative of the concept of point of

order. No rule or ruling, howsoever elaborate it may be, may possibly avoid fictitious points of order or put an end to the raising of unwarranted points of order which may subsequently turn out to be points of disorder. The points of order tend to increase at times of acute tension or controversies in the House. In such situations they will continue to be one of the most irksome problems for the occupant of the Chair.

Generally, what happens is that when members raise points of order, the Chair has no idea what they are going to say until they make their submissions. In too many cases the point raised may not be a point of order at all but an attempt either to score a debating point or to delay the proceedings of the House.²⁴⁶ In fact, there may well come a time when the Chair may have to consider that the proliferation of points of order on a particular occasion has reached the stage where he is justified in saying that he will hear no more.

Preparation of official proceedings

The Secretary-General causes to be prepared a full report of the proceedings of the Rajya Sabha at each of its sittings and, as soon as practicable, have it published in such form and manner as the Chairman may, from time to time direct.²⁴⁷

Reporting of proceedings

A verbatim record of everything said in the House is reported by the official Reporters, except certain words, phrases and expressions, if any, ordered by the Chair to be expunged from the proceedings of the House, or ordered by the Chair not to be recorded, when members speak without his permission.

The work relating to the preparation of a verbatim record of the day to day proceedings of the Rajya Sabha is handled by a team of English and Hindi Reporters working under the charge of the Principal Chief Parliamentary Reporter of the Reporting Service in the Secretariat. The notes taken down in shorthand by the Reporters are transcribed on an electronic typewriter quickly so that copies of debates become available within a few hours after the House rises for the day except on days when the House sits for unusually long hours in which case the later portions of the proceedings may be issued as a supplement on the next day. The copies of debates are generally issued in two parts, part I containing questions, starred and unstarred and their replies and part II containing proceedings other than questions.

Proceedings in English and Hindi/Urdu are covered by the Reporters as they take place in the House. Arrangements exist for simultaneous interpretation into English and Hindi of speeches made in some of the regional languages and in such cases the text supplied by the interpreters appears in the debates with a foot note indicating the language in which the original speech was delivered in the House. According to the established practice, a member wishing to speak in any language other than English and Hindi may do so with an hour's prior notice.

When prepared speeches or statements are read out by Ministers or members and also when speeches are delivered with the help of copious notes, the prepared speeches, statements, notes, etc., are to be handed over to the Reporters after the speech has been made in the interest of accurate transcription.²⁴⁸

Arrangements exist in the House for simultaneous tape recording of the entire proceedings. This helps Reporters to ensure correct transcription and also confirm therefrom about the accuracy of the proceedings taken by them in case of doubt.

The Reporters' copy is treated as authentic record of proceedings. If a dispute arises as to the correctness of the proceedings recorded by the Reporters, these may be checked with the tape recorded version.

On an earlier occasion, a Reporter was asked to read out from his notebook the relevant portion of the debate when there was controversy about what a member said was parliamentary or unparliamentary.²⁴⁹

An electrostat copy of every speech delivered or question put by a member on a particular day and taken down by the Official Reporters is ordinarily forwarded to him for confirmation the next morning and it has to be returned duly approved to the Editor (English) within twenty-four hours and in any case not later than 12 noon on the third day. Corrections received later than the time specified above cannot be incorporated in the manuscripts of the debates to be sent to the Press. In case of delay the version as taken down by the Reporters is utilised.

In case of quotations, copies thereof have to be supplied by members to the Reporters, except in case where the page, etc., of some well-known report, which is readily available has been specifically referred to.

In case of quotations in Indian languages, *ślokas*, etc., the quotation followed by its meaning, if it has not already been given has to be filled in by the member when his speech is sent to him for approval.

The official report has to be a correct reproduction of the speeches actually delivered by the members in the House and that copies of the speeches are sent to them for confirmation only and for purpose of correcting obvious inaccuracies and not for the purpose of improving their literary form or altering their substance by additions or deletions. Only minor corrections, viz., those in respect of grammatical errors, misreporting of quotations, figures, names, etc. are permissible. Corrections, if any, are to be made by members neatly and legibly and in ink in order to ensure their correct incorporation in the printed proceedings.²⁵⁰

The official report is a record of the spoken word. It does not, therefore, lend itself to descriptive reporting. For example, angry gestures, loud applause or derisive laughter are not reflected in the official report unless they are subsequently referred to by a member. Only observance of silence by members at the end of obituary references and walk-outs are normally indicated.

Reporting of proceedings of Committees

A verbatim record of the proceedings of a Parliamentary Committee is kept when a witness is summoned to give evidence.²⁵¹ Relevant portion of such a proceedings is forwarded to the witness and the members concerned for confirmation and return by a specified date. The verbatim proceedings are treated as confidential and are not made available to anyone without the permission of the Chairman. The witness to whom the proceedings are sent for confirmation is informed that the proceedings have to be kept confidential and no part thereof should be published by him. So far as other proceedings of the Committee are concerned, a record of the decisions of the Committee is maintained²⁵² in the form of Minutes.

Expunction of words from proceedings of the House

If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified, he may in his discretion, order that such word or words be expunged from the proceedings of the House.²⁵³ In practice, the scope of this power has been enlarged and in some cases, the Chairman has ordered, in his discretion, the expunction of words which he considered prejudicial to national interest or to the maintenance of friendly relations with a foreign State; derogatory to high dignitary including heads of friendly foreign States,²⁵⁴ offending national sentiments or the religious susceptibilities of a section of the community; likely to discredit the Army, not in good taste or otherwise objectionable and likely to bring the House into disrepute. An expunction from the proceedings may be ordered,

- (i) by the Chairman *suo motu* if he holds certain words as defamatory, indecent, unparliamentary or undignified;
- (ii) when the Chairman's attention is drawn by a member or a Minister to objectionable words at the time they are uttered or subsequently and if the Chairman agrees;
- (iii) when the Chairman's attention is drawn by an officer of the Secretariat or otherwise to the objectionable words and if the Chairman agrees;
- (iv) where a member himself requests that words from his speech may be expunged and if the Chairman agrees.

A member requested the Chairman that a supplementary question which he had put under misunderstanding should be expunged. The Chairman did not agree stating that the member's explanation would go on record.²⁵⁵

- (v) if derogatory remarks are used by members against each other;

There were some altercations between some members during a debate. A member rose on a point of order seeking withdrawal of some remarks made by another member. Before the House adjourned for the day the Deputy Chairman, *inter alia*, observed that she had seen the records and those remarks would be removed.²⁵⁶

(vi) even when an expression is withdrawn by the member who used it;

A member had made certain remarks which he, upon the Chairman's direction, withdrew. However, when the uncorrected proceedings did not contain the words but contained his statement that he had withdrawn them, the member raised the matter in the House the next day and contended that there was a distinction between 'withdrawal' and 'expunction', and stated that when he obeyed the Chair and withdrew the remarks, the same could not be expunged. The Chairman, *inter alia*, observed, "My right to expunge remarks is discretionary and is not confined only to those cases when an honourable member disobeys my direction. A remark may be withdrawn and yet it may be of such a character that it may attract my powers under rule 261,"²⁵⁷

When a member speaks without being called upon to speak, or despite being asked to resume his seat continues to speak, or speaks without the permission of the Chair, the Chair may direct that remarks of such a member may not form part of the record.²⁵⁸ Likewise, if a member continues to interrupt the speech of another member or Minister, the Chair may direct that interruptions be not recorded.²⁵⁹

When a member defied the Chair and wanted to speak, the Chairman ordered that whatever the member said would be "off the record". A point of order was raised that the Chairman had no such power to order that a part of the proceedings should not go on record. But the Chair ruled that he had this power under rule 259 (regarding Chairman's power to preserve order and enforce decisions).²⁶⁰

On an occasion when several members rose at the same time to ask supplementaries and raise points of order and did not resume their seats in spite of the Chairman asking them to do so, he stood up and observed, "If an honourable member speaks when I am standing, my instructions to the Reporters are to completely black out what he says. This is a standing instruction."²⁶¹ After a couple of days a member requested the Chairman to reconsider his ruling in view of the fact that the rules did not say that when Mr. Chairman stood up, if somebody said something, automatically it got expunged. The Chairman then clarified that he had said it for that day only and he would give special directions every time.²⁶²

The Chairman can order expunction on a subsequent day and not only while he is presiding.

A member withdrew objectionable remarks made by him while the Chairman was in the Chair. Subsequently, he directed the Vice-Chairman to expunge the remarks from the proceedings. The next day, the member raised the matter on the floor of the House contending, *inter alia*, that the Chairman could not order such expunction from his Chamber; he could do so only while he was in the Chair. The Chairman observed that the Chairman could exercise it and place was not the thing; it was not necessary that he should be sitting in the Chair in the House to direct expunction.²⁶³

Some derogatory references made against the Comptroller and Auditor-General of India during a short duration discussion on his report on 21 and 25 July 1989, were ordered to be expunged by the Chairman on the last day of the 151st Session (18 August 1989) on a representation made by a former member of the Rajya Sabha. Members were informed of expunctions through a paragraph in the Bulletin.²⁶⁴

Certain remarks made by a member in respect of the Lok Sabha Secretariat on 30 April 1992, which had gone unnoticed were expunged subsequently and the member concerned was informed accordingly.²⁶⁵

The decision of the person presiding about expunction of words or directing that nothing would go on record is final and no appeal lies to the Chairman.

Soon after Question Hour a member questioned the right of the Chair to say; 'nothing will go into the proceedings' with reference to an earlier direction given by one of the Vice-Chairmen, adding that it could not be done so long as the rules were not violated and the Constitution was not disrespected. He objected to some of the proceedings being thus expunged by the Vice-Chairman. Responding to this the Chairman observed:

I must stand by the ruling given by the Vice-Chairman who was in the Chair. It is as good a ruling as given by me. If I were to begin revising those rulings, then the work will never be finished and there will be lot of trouble.²⁶⁶

On more than one occasion the matter of the Chair directing that "nothing would go on record" has been raised on the floor of the House. For instance, on 6 August 1980, there was a somewhat lengthy discussion on this issue. A member contended that under rule 260 the Secretary-General was to cause to be prepared full report of the proceedings. There was no specific rule that "The Chairman may direct that nothing shall be recorded." The Deputy Chairman observed that under rule 266 (residuary power) the Chair had got the power to regulate proceedings of the House.²⁶⁷

Again on 27 August 1988, during Question Hour when the Chairman ruled that except the supplementaries nothing said in the House would go on record, members raised objection to the removal of expressions of members from the record. The Chairman observed:

This is a well-established practice. Otherwise you will need as many reporters as the number of members here... My ruling is very clear that nothing which is spoken will go on record. What is on record is not expunged.²⁶⁸

The Rules Committee also gave a thought to the issue. The Chairman (of the Rajya Sabha who is also the Chairman of the Committee) explained that the Chair was exercising this power under rule 259 and if the members so desired, a specific rule on the subject might be incorporated in the Rules.²⁶⁹

Indication in proceedings regarding expunctions

The portions of the proceedings of the House so expunged are indicated by asterisks and an explanatory note is inserted in the proceedings as follows: "Expunged as ordered by the Chair"²⁷⁰ If the expunction is ordered on a subsequent day, the expunged portion is indicated only in the printed debates by an asterisk. If the Chair has directed that nothing would go on record in respect of a member's speech, the proceeding bears a footnote "Not recorded."

Expunction of words and remarks is ordered from the speeches of not only Members but also from the speeches of Ministers.

On 16 July 1996 in the debate on the Resolution seeking extension of President's Rule in Jammu & Kashmir, the Minister of Home Affairs, Shri Indrajit Gupta, made a comment on the conduct of the polling officers in the Lok Sabha elections which had just taken place in Jammu & Kashmir. The Home Minister's comment was strongly objected to by many Members whereupon Vice-Chairman (Ms. Saroj Khaparde) ordered expunction of the Home Minister's remarks and the explicit references to that remark.

On 29 July 1998, the then Home Minister, Shri L.K. Advani, made a comment in regard to certain actions of the Maharashtra Govt. in relation to a case which was *sub judice*. As per the guidelines to be followed by Members while speaking in the House one of the self-imposed restrictions on the freedom of speech in Parliament is that discussions on matters pending adjudication before courts of law should be avoided on the floor of the House, so that courts function uninfluenced by anything said outside the ambit of trial in dealing with such matters. When some Members drew the attention of the Deputy Chairman who was in the Chair to the Home Minister's comment on a matter which was *sub judice*, the Deputy Chairman expunged the objectionable remarks of the Home Minister.

Expunction and subsequent restoration

On 5 August 1993, immediately after the Question Hour, Shri Yashwant Sinha, with the prior permission of Chairman, made a Zero Hour submission on the question of suspension by Russia of the Indo-Russian Cryogenic rocket engine deal, and in that, made certain references to the then Finance Minister, Dr. Manmohan Singh, which were expunged by the Deputy Chairman Dr. (Smt.) Najma Heptulla, who was in the Chair. The Deputy Chairman at that time observed that the remarks were irrelevant. The next day, on 6 August 1993 when Shri Yashwant Sinha found that his remarks about the Finance Minister stood expunged in the "Uncorrected/Not for Publication" debate of 5 August 1993, he had, by a letter addressed to the Chairman, pleaded for restoration of his remarks since the remarks could not be considered unparliamentary. When Shri Yashwant Sinha's request made to the Chairman was referred to the Deputy Chairman, the Deputy Chairman, on reconsideration restored the expunged remarks.

Expunction from Committee proceedings

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 them to be expunged from the minute of dissent.²⁷¹ The Chairman has also the power to order expunction in like circumstances or to review all decisions regarding expunction from minutes of dissent and his decision is final.²⁷²

Admission of strangers to Rajya Sabha Galleries, etc.

The admission of strangers during the sittings of the Rajya Sabha to those portions of the House which are not reserved for the exclusive use of members is regulated in accordance with the orders made by the Chairman,²⁷³ when the House is sitting, the Chamber is reserved for the exclusive use of members and no strangers are permitted therein. If any stranger comes and sits in the House knowing that he is not qualified for membership thereof, he shall be liable to a penalty of five hundred rupees for each day he so sits, to be recovered as a debt to the Union.²⁷⁴ The other portions of the House where strangers may be permitted to go under specified conditions are the Inner/Outer Lobbies, the Galleries and the Central Hall. The Chamber, the Lobby and the Galleries constitute the inner precincts of the House.

Any officer of the Secretarial staff of the other House is entitled to admission to the Chamber during any sitting of the House.²⁷⁵ In parliamentary vocabulary, therefore, all persons who are not either members or officers of the House are termed strangers.²⁷⁶ Admission of strangers to the various galleries is regulated in accordance with the directions of the Chairman.

The Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.²⁷⁷ A slip containing the following instructions in Hindi and English is attached to a Visitor's card:

1. Admission is subject to accommodation being available.
2. This card is liable to be cancelled without notice and without assigning any reason therefor.
3. This card shall remain in the custody of the person in whose favour it is issued. Any infringement will render the person concerned liable to action being taken against him.
4. Visitors are reminded that silence is to be maintained whilst the House is sitting. Demonstrations of *applause or shouting and distribution of leaflets* are forbidden. Movement of any kind is to be avoided as much as possible.
5. Any visitor even though holding visitor's card, which may otherwise be valid, may be asked to withdraw at any time from the Gallery without assigning any reason.

6. Visitors are not permitted to take sticks, umbrellas, handbags, attache cases, fire arms, books, etc., inside the Gallery. They must declare and deposit such articles at the Token Cabin.
7. Knitting is not permitted in the Gallery.
8. Children below ten years of age are not allowed inside the Gallery.

A member may go inside the Galleries but it is not desirable that he should remain in the Visitor's Gallery for any length of time.

On an occasion a member raised a point of order whether it was open to a member of the House to go to a Visitors' Gallery and watch the proceedings from there. The Deputy Chairman observed that although members might visit various Galleries it was not in order for a member to retain a seat in the Gallery to the exclusion of, or on behalf, a holder of a card for that Gallery.²⁷⁸

Rajya Sabha Galleries

The Visitors' Galleries of the Rajya Sabha Chamber are: Public Gallery, Distinguished Visitors', Diplomatic and Chairman's Gallery, Press Gallery and Gallery for members of the Lok Sabha. There is also an Official Gallery (situated on the right side of the Chairman's seat) and the Special Box (situated on the left side of the Chairman's seat).

The Public Gallery is generally for the use of the public. A member can apply for issue of Visitors' Cards only for persons who are personally known to him and are his personal friends or relations or in select cases for those who have been introduced to him by persons who are personally known to the members. Cards for admission to this Gallery are issued on applications made. The following paragraph in the Bulletin is issued in this regard:

Special attention of members is invited to the following certificate which is given by them while applying for visitors' cards for the Galleries of the Rajya Sabha:

"The above named visitor is my relation/friend known to me personally and I take full responsibility for him/her."

Members are requested kindly to ensure that the visitors for whom they apply for visitors' cards are known to them personally.

Members are also requested to ensure that the particulars required in the application forms are duly filled in. It will not be possible to issue visitors' cards if all the particulars required therein have not been furnished.

Members are further requested that the application form for visitors' cards must be delivered in the Notice Office before 3.00 p.m. on the day previous to the date of the sitting of the House for which cards are applied.

Members are also requested not to make requests for the same day visitors' cards in view of the present security environment in the country.²⁷⁹

The Distinguished Visitors, Diplomatic and Chairman's Gallery is intended for eminent men, former Members of Parliament, Ministers in States, etc., Foreign diplomats and Chairman's guests and relations.

The Press Gallery is meant for accredited correspondents whom passes are issued by the Secretary-General in accordance with the general orders of the Chairman.

The Lok Sabha Gallery is meant for the exclusive use of the members of the Lok Sabha to enable them to watch the proceedings of the Rajya Sabha.

The Official Gallery is intended only for officers of the Government of India whose presence is required in connection with the business before the House.

The Special Box is reserved for the family and guests of the President, heads of foreign States and foreign Parliamentary Delegations, etc.

Lobby

The Rajya Sabha Lobby comprises the Inner Lobby (also called the Division Lobby) and the Outer Lobby. The Lobby is intended for the use of sitting and former Members of Parliament.

Central Hall

The Central Hall is primarily meant for use of Members of Parliament. Former Members of Parliament are admitted in the Central Hall on the basis of photo identity cards issued to them by the respective Secretariats. Certain press correspondents holding press passes are also admitted to the Central Hall on production of passes.

Central Hall passes are issued by the Rajya Sabha Notice Office in favour of persons on the specific and written requests from members. The following categories of persons only are entitled to avail of Central Hall entry facility:

1. Sitting MLAs/MLCs;
2. Chief Ministers/Ministers in States;
3. Former Ministers in the State;
4. Spouse, son(s)/daughter(s) of sitting MPs.²⁸⁰

Requisite forms are available for the purpose in the Notice Office.

During the President's Address in the Central Hall, applications for entry to the Visitors' Galleries of the Central Hall are required to be made in the prescribed form. The seating capacity in the galleries of the Central Hall for the guests of members of the Rajya Sabha is very limited. Cards are therefore, issued on "first-come-first served" basis.²⁸¹

Suspension of rules

A member may, with the consent of the Chairman, move that any rule may be suspended in its application to a motion related to the business listed before the council for that day and if the motion is carried the rule in question is

suspended for the time being. If a provision already exists for suspension of a rule under a particular Chapter of rules, the general rule relating to suspension of rules does not apply.²⁸² As observed by the Chairman on an occasion, "It is with my consent that Question Hour can be suspended. I am not giving consent...without my consent, no rule can be suspended."²⁸³

Although it is in the discretion of the Chairman to give his consent to the moving of a motion for suspension of a rule, the discretion is exercised with utmost care and caution and after taking all factors into consideration. Every request for suspension is judged on its merits before the Chairman gives his consent. On occasions the Chairman has refused consent for moving of a motion, especially in relation to Question Hour.²⁸⁴ On an occasion a general motion was moved for suspension of Question Hour, Calling Attention and Private Members Business during a session.²⁸⁵

Residuary powers of the Chairman

The Chairman has the power to deal with all matters which are not specifically or adequately provided for in the rules. All matters not specifically provided for in the rules and all questions relating to the detailed working of the rules are regulated in such manner as the Chairman may, from time to time, direct.²⁸⁶ In exercise of these powers the Chairman has issued directions from time to time in respect of such matters as questions, committees, special mentions, removal of Bills from Register, etc. Under the inherent powers the Chairman may order expunction of words from the proceedings of the House on grounds not provided for in the rule relating to expunction.

NOTES AND REFERENCES

1. Bn. (II), 6.2.1996 (No. 35512).
2. R. 223(1).
3. R. 223(2).
4. 7 Rpt., RC (presented on 14.2.1995).
5. Bn. (I), 30.5.1995.
6. Bn. (II), 23.2.1996 (No. 35563).
7. R. 39.
8. R. 60(2).
9. R. 154.
10. Rs. 160(2) and 232.
11. R. 62(3).
12. R. 95(1).
13. Bn. (II), 6.2.1996 (No. 35513); R 180c(1).
14. Rs. 113 and 123.
15. Bn. (II), 19.2.1996 (No. 35527; R 180(1)
16. Rs. 180A to 180E.
17. R. 224(1).
18. R. 3(1).
19. R. 7(1).
20. R. 29(1).
21. Rs. 195(2) and 160(3).
22. R. 224(2).

23. R. 227.
24. R. 225.
25. 4 Rpt., COP, para. 3.
26. R. 226.
27. Art. 3.
28. Art. 274(1).
29. Art. 117(3).
30. R. 234.
31. R.S. Deb., 24.12.1980, c. 256-66; and 18.3.1981, c. 283-90.
32. Rs. 235-40.
33. Rs. 238(i).
34. Art. 105(1).
35. R. 47(2)(xix).
36. R. 169(viii).
37. R. 157(v).
38. R.S. Deb., 8.5.1986, c. 281.
39. Page Committee Report, paras. 26-28 and 30.
40. R.S. Deb., 18.11.1964, c. 330-31; and 15.3.1988, c. 218-22.
41. *Ibid.*, 15.3.1988, c. 221 and 226.
42. Art. 105(1) and (2).
43. R. 238(v).
44. Bn. (i), 4.12.1967.
45. *Ibid.*, 22.11.1967.
46. *Ibid.*, 30.3.1977.
47. *Ibid.*, 13.3.1969; 5.3.1970; and 27.4.1981.
48. *Ibid.*, 12.5.1986.
49. *Ibid.*, 24.11.1970; 24.2.1970; 16.2.1968; 20.11.1967 and 20.3.1967.
50. *Ibid.*, 11.5.1968.
51. *Ibid.*, 30.3.1973.
52. *Ibid.*, 21.12.1964.
53. *Ibid.*, 8.6.1967.
54. *Ibid.*, 22.7.1969.
55. R.S. Deb., 7.12.1987, c. 309.
56. R. 238A.
57. *Ibid.*, Proviso.
58. Digest, p. 604-05.
59. For procedure regarding Personal Explanation, *see infra*.
60. R.S. Deb., 8.3.1978, c. 122.
61. R. 241, and R.S. Deb., 3.4.1989, c. 127-28.
62. R.S. Deb., 22.11.1962, c. 2161-62.
63. *Ibid.*, 11.3.1969, c. 3151.
64. *Ibid.*, 30.3.1988, c. 66-67.
65. Abraham and Hawtrey, *A Parliamentary Dictionary*, p. 144.
66. R.S. Deb., 31.8.1973, c. 84.
67. *Ibid.*, 31.7.1980, c. 160.
68. *An Encyclopaedia of Parliament*, p. 560.
69. R.S. Deb., 25.11.1955, c. 569; *see also* R.S. Deb., 29.2.1956, c. 1078.
70. *Ibid.*, 1.8.1991, c. 270-74.
71. *Ibid.*, 3.12.1985, c. 190-91.
72. *Ibid.*, 8.8.1977, c. 8-9.
73. Bn. (I), 4.12.1978.
74. R.S. Deb., 23.5.1990, c. 187-97.
75. Bn. (I), 21.2.1986.
76. *Ibid.*, 16.12.1969.

77. *Bn.* (I), 4.8.1983.
78. *Ibid.*, 15.12.1977; and 16.12.1977.
79. R.S. Deb., 20.11.1980, c. 223.
80. *Ibid.*, 21.11.1962, c. 1944.
81. *Ibid.*, 19.8.1963, c. 644-45.
82. *Bn.* (I), 29.8.1973 (by Shri L.N. Mishra); 18.2.1975 (by Shri Chandrajit Yadav); 14.8.1978 (by Shri Biju Patnaik); 16.8.1978 (by Shri George Fernandes); 27.3.1979 (by Shri Ravindra Verma); 13.12.1985 (by Shri Natwar Singh); 5.8.1980 (by Shri C.M. Stephen); 17.11.1980 (by Shri C.P.N. Singh); 30.8.1990 (by Shrimati Maneka Gandhi); 28.8.1991 (by Shri Paban Singh Ghatowar).
83. R.S. Deb., 30.8.1990, c. 152-57.
84. R. 242(1).
85. R. 242(2).
86. R. 242(3).
87. *Ibid.*, Proviso.
88. R. 244(1).
89. R. 244(2).
90. A Parliamentary Dictionary, *op. cit.*, p. 58.
91. R.S. Deb., 24.7.1952, c. 1948.
92. *Ibid.*, 16.3.1954, c. 2877-78.
94. *Ibid.*, 8.12.1967, c. 3222.
95. R. 245(1).
96. R. 245(2).
97. R.S. Deb., 4.5.1954, c. 5068-70.
98. R. 246.
99. R. 247.
100. R.S. Deb., 22.9.1954, c. 2989-91.
101. A. 256(2).
102. R. 248.
103. R. 249.
104. *Ibid.*, 1st Proviso.
105. R.S. Deb., 24.9.1954, c. 3282-87.
106. *Ibid.*, 14.3.1972, c. 98-100 (also f.n. on c. 100); and 14.4.1972, c. 84.
107. *Ibid.*, 12.11.1986, c. 163-65.
108. *Ibid.*, 20.9.1963, c. 4972-97.
109. *Ibid.*, 21.3.1967, c. 266-71.
110. R. 249, 2nd Proviso.
111. R.S. Deb., 9.3.1984, c. 239-41.
112. *Ibid.*, 19.7.1978, c. 239-302.
113. *Bn.* (I), 27.7.1978.
114. R.S. Deb., 31.7.1978, c. 106-34; 1.8.1978, c. 176-231; and 2.8.1978, c. 159-92.
115. *Ibid.*, 3.8.1978, c. 216.
116. *Ibid.*, 3.4.1989, c. 20; 53; and 4.4.1989, c. 38-39.
117. *Ibid.*, 13.8.1974, c. 5-8.
118. *Ibid.*, 27.8.1974, c. 21-34 and 232-54.
119. *Bn.* (I), 11.9.1974.
120. R.S. Deb., 4.12.1974, c. 206-36.
121. *Ibid.*, 5.12.1974, c. 174-75; 6.12.1974, c. 158-59.
122. *Ibid.*, 9.12.1974, c. 125-27.
123. *Ibid.*, 10.12.1974, c. 139-143; and 1.12.1974, c. 122-23.
124. *Ibid.*, 20.3.1987, c. 259-66.
125. *Ibid.*, 8.1.1976, c. 6.
126. *Ibid.*, 19.12.1953, c. 2894.
127. *Ibid.*, 4.4.1989, c. 52 and 53.

128. R.S. Deb., 8.3.1978, c. 119-34
129. *Ibid.*, 21.4.1953, c. 3460.
130. *Ibid.*, 25.2.1966, c. 1320-23.
131. *Ibid.*, 18.12.1970, c. 108-14.
132. See Chapter-4.
133. R.S. Deb., 7.5.1959, c. 2205-06.
134. *Ibid.*, 23.1.1976, c. 151 and 152.
135. *Ibid.*, 9.3.1984, c. 289
136. *Ibid.*, 15.5.1956, c. 2170-85
137. *Ibid.*, 11.9.1956, c. 4078-82
138. *Ibid.*, 22.4.1974, c. 92.
139. R. 250.
140. R.S. Deb., 7.5.1959, c. 2196-2201.
141. Bn. (II), 5.2.1996 (No. 35502).
142. Kaul & Shakhder, p. 881.
143. *Ibid.*, p. 882
144. Supplementary LOB, 20.3.1995.
145. Bn. (II), 8.8.1960; 10.8.1960.
146. R.S. Deb., 30.8.1960, c. 2720.
147. *Ibid.*, 24.7.1980, c. 84; Bn. (I) of that date and F.No. 35/9/80-L.
148. *Ibid.*, 22.11.1962, c. 2161-62.
149. *Ibid.*, 21.3.1967, c. 371-73.
150. *Ibid.*, 6.4.1967, c. 2560-79; see also R.S. Deb., 26.7.1996.
151. *Ibid.*, 31.3.1969, c. 6388.
152. C.S. Deb., 27.4.1953, c. 4106.
153. *Ibid.*, 25.11.1952, c. 192-93.
154. *Ibid.*, 19.9.1955, c. 3499-3500.
155. Bn. (I) 26.2.1992.
156. Bn. (II) 9.4.1992 (No. 32975).
157. *Ibid.*, 30.7.1992.
158. Bn. (I) 26.8.1994.
159. *Ibid.*, 8.3.1996.
160. R.S. Deb., 31.3.1967, c. 1663-79.
161. *Ibid.*, 22.11.1962, c. 2161-62; see also R.S. Deb., 22.2.1966, c. 933-34.
162. *Ibid.*, 28.11.1958, c. 600-02.
163. *Ibid.*, 28.2.1963, c. 1176, 1216-18.
164. *Ibid.*, 22.2.1965, c. 492-95, 604-09; 26.2.1965, c. 1337-38; and 2.3.1965, c. 1496-97.
165. *Ibid.*, 26.2.1991, c. 182.
166. R. 251.
167. R.S. Deb., 24.2.1987, c. 228.
168. *Ibid.*, 22.2.1966, c. 846.
169. *Ibid.*, 31.7.1991, c. 372-73; 1.8.1991, c. 256-96; 1.8.1991, c. 344-51; 2.8.1991, c. 290-318; 6.8.1991, c. 173-84; 7.8.1991, c. 274-84; 6.9.1991, c. 353-55; and 9.9.1991, c. 252-84.
170. *Ibid.*, 27.11.1991, c. 339-48; and 29.11.1991, c. 153-71, 243-47.
171. *Ibid.*, 3.11.1988, c. 289-378; and 4.11.1988, c. 328-40.
172. *Ibid.*, 27.11.1991, c. 339-48.
173. *Ibid.*, 28.4.1987, c. 184.
174. Bn. (I), 26.2.1992.
175. *Ibid.*, 27.2.1992.
176. R.S. Deb., 28.2.1992, c. 247-71.
177. *Ibid.*, 3.3.1992, c. 259-64; 6.9.1996 c..
178. Bn. (I), 27.8.1993.
179. R.S. Deb., 4.8.1993, c. 333-34; and 18.8.1993, c. 417-23.

180. R.S. Deb., 26.11.1985, c.240-41; and 10.12.1985, c. 179-333.
181. Bn. (I) 28.4.1989.
182. *Ibid.*, 24.7.1991, 25.7.1991 and 26.7.1991.
183. R.S. Deb., 30.7.1985, c. 249.
184. Bn. (II), 8.7.1991 (NO. 32369).
185. BAC mts., 1.8.1991; Bn. (II) 2.8.1991.
186. R.S. Deb., 1.8.1991, c. 357.
187. R.S. Deb., 4.12.1967, c. 2347; and 13.12.1967, c. 3909.
188. Bn. (I) 21.1.1985.
189. *Ibid.*, 9.7.1992.
190. *Ibid.*, 13.8.1985; and 14.8.1985.
191. *Ibid.*, 20.8.1985.
192. *Ibid.*, 18.12.1992; and 21.12.1985.
193. R.S. Deb., 18.3.1980, c. 150-60.
194. See Arts. 61(4), 67(b), 90(c), 94(c) 124(4), 148(1), 217(1) (b), 249(1), 312(1), 352(6) and 368, under which special majority votes are required for deciding matters mentioned therein.
195. Art. 100(1).
196. *An Encyclopaedia of Parliament*, p. 212.
197. R. 252(1).
198. R. 252(2).
199. R. 252(3).
200. R.S. Deb., 28.7.1988, c. 299-300.
201. R. 252(4)(a).
202. R. 252(4)(b).
203. R. 252(4)(c).
204. *A Parliamentary Dictionary*, *op. cit.*, p. 166.
205. Bn. (I) 24.3.1995.
206. R.S. Deb., 30.1.1980, c. 347-48.
207. *Ibid.*, 13.10.1989, c. 290-94.
208. Bn. (II) 22.5.1996 (No. 35674).
209. R.S. Deb., 7.10.1982, c. 220-22.
210. For detailed functioning of the system, see the brochure on the subject brought out by the Rajya Sabha Secretariat on 2 December 1994.
211. R. 253(3).
212. R. 253(4).
213. R. 253(5).
214. R.S. Deb., 15.12.1961, c. 2501-27.
215. *Ibid.*, 13.10.1989, c. 301.
216. R. 254(1).
217. R. 254(2).
218. R. 254(3).
219. R. 254(4).
220. R. 254(5).
221. R. 254(6).
222. R.S. Deb., 17.9.1981, c. 612.
223. Art. 100(1).
224. R.S. Deb., 5.8.1991, c. 180-82.
225. R. 77.
226. Rs. 207 (2), 212D(2), 212K(2), 212S(2).
227. *An Encyclopaedia of Parliament*, p. 565.
228. R.S. Deb., 27.2.1982, c. 3-11; and 22.8.1990, c. 228.
229. Cf. Rs. 236 and 243.
230. Handbook for Members, p. 54.
231. R.S. Deb., 1.3.1979, c. 259-61; and 30.5.1990, c. 268-77.

232. R.S. Deb., 2.5.1963, c. 1828.
233. *Ibid.*, 25.1.1980, c. 52-56, see also R.S. Deb., 15.12.1980, c. 207-15.
234. *Ibid.*, 23.12.1980, c. 49-78.
235. *Ibid.*, 8.9.1961, c. 3911-16.
236. *Ibid.*, 14.3.1985, c. 265-69.
237. *Ibid.*, 21.8.1984, c. 196; see also 1.3.1979, c. 259-61.
238. *Ibid.*, 15.11.1971, c. 223-41.
239. *Ibid.*, 21.3.1985, c. 154.
240. R.S. Deb., 5.12.1967, c. 2459; 13.2.1968, c. 61; 19.1.1976, c. 21; 1.3.1978, c. 17; 4.5.1984, c. 16, 17, 193-94; and 5.9.1990, c. 11.
241. *Ibid.*, 9.3.1979, c. 226-27.
242. Handsard, 23.3.1964, c. 172.
243. L.S.R. 376(5).
244. L.S.R. 376(6).
245. Kaul & Shakhder, p. 836-37.
246. Handsard, 26.3.1952, c. 786.
247. R. 260.
248. Handbook for Members, p. 71-72.
249. R.S. Deb., 25.11.1966, c. 2964.
250. Bn. (II) 22.5.1996 (No. 35680).
251. R. 85(5).
252. R. 89.
253. R. 261.
254. R.S. Deb., 22.8.1961, c. 1242-43.
255. *Ibid.*, 21.11.1962, c. 1944.
256. *Ibid.*, 27.3.1985, c. 364, 405.
257. *Ibid.*, 11.6.1971, c. 141-45.
258. *Ibid.*, 8.12.1971, c. 3; and 15.4.1987, c. 210-11.
259. *Ibid.*, 13.11.1987, c. 207-08.
260. *Ibid.*, 14.5.1974, c. 135-40.
261. *Ibid.*, 23.7.1980 c. 14-16.
262. *Ibid.*, 25.7.1980, c. 119-20.
263. *Ibid.*, 11.6.1971, c. 141-45.
264. Bn. (II) 18.8.1989.
265. F. No. 41/1/92-L.
266. R.S. Deb., 1.7.1980, c. 125-26.
267. *Ibid.*, 6.8.1980, c. 275-88.
268. *Ibid.*, 27.4.1988, c. 10-12.
269. 1 Rpt. RC, p. 9.
270. R. 262.
271. R. 90(7)(i).
272. R. 90(7)(ii).
273. R. 264.
274. Art. 104.
275. R. 263.
276. *A Parliamentary Dictionary, op. cit.*, p. 208.
277. R. 265.
278. R.S. Deb., 27.4.1955, c. 6279 and 6300.
279. Bn. (II) 9.2.1995.
280. *Ibid.*, 9.2.1955.
281. *Ibid.*, 7.2.1995 (No. 34929).
282. R. 267.
283. R.S. Deb., 22.5.1990, c. 1-2.
284. See Chapter-17.
285. *Ibid.*
286. R. 266.