

2

Ushering in a New Lok Sabha

On the constitution of a new Lok Sabha, there are certain actions which are required to be taken by the Ministry of Parliamentary Affairs. These are discussed below.

Appointment and Swearing in of Speaker *pro tem*

As per the second proviso to article 94 of the Constitution, the office of the Speaker becomes vacant immediately before the first meeting of the new Lok Sabha. In that case, the duties of the Speaker are to be performed by a Member of the House appointed for this purpose by the President as Speaker *pro tem*. Similarly, as per article 99 of the Constitution, every Member of the House shall, before taking his seat, make and subscribe before the President or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule of the Constitution. For this purpose, normally three other elected Members of the Lok Sabha, before whom the other Members may make or subscribe the oath/affirmation, are also appointed by the President. Normally, the seniormost Members (in terms of number of years of membership of the House) are generally chosen for the purpose, even though there have been exceptions to this practice.

As soon as the new Government is formed, the Legislative I Section prepares a list of the seniormost Lok Sabha Members. The list will indicate their seniority in terms of their tenure in the Lok Sabha as well as in the Rajya Sabha. The list prepared after the constitution of the XIV Lok Sabha is at **Annex II-A**. The list is then submitted to the Minister of Parliamentary Affairs/Prime Minister for identifying a Member as Speaker *pro tem* and another three members as persons before any of whom the other Members may make or subscribe the oath/affirmation

(Annex II-B). After the approval of the Prime Minister, the consent of these Members is obtained by the Minister of Parliamentary Affairs, generally over the telephone. Thereafter, the Minister submits a note to the President **(Annex II-C)** seeking his approval to the appointment of the Speaker *pro tem* and the other three Members and also seeking the convenience of the President to the date and time of the swearing in ceremony. During the XIV Lok Sabha, the Member of Parliament proposed to be appointed as the Speaker *pro tem* was also to be subsequently proposed for election as Speaker. Under the circumstances, a question arose as to whether two Speakers *pro tem* are to be appointed in order to have a different Speaker *pro tem* in the Chair at the time of election of the Speaker. This was examined in consultation with the Department of Legal Affairs **(Annex II-D)** and it was decided to have two *pro tem* Speakers. The draft order, duly vetted by the Legislative Department, regarding appointment of two *pro tem* Speakers to be issued by the President is at **Annex II-E**.

After approval of the President, the Ministry informs the Speaker *pro tem* and other Members regarding their appointment **(Annex II-F)**. The Lok Sabha Secretariat is also informed through a UO Note forwarding the original orders signed by the President **(Annex II-G)**.

The President administers the oath to the Speaker *pro tem* in the Rashtrapati Bhawan. The other three Members appointed by the President to assist him in administering the oath/affirmation are administered the oath/affirmation by the Speaker *pro tem* in the Lok Sabha. The Speaker *pro tem* then administers the oath / affirmation to the newly elected Members with the help of the three persons so appointed by the President. Since the session of the Lok Sabha starts at 11.00 a.m., the time generally fixed for swearing in of the Speaker *pro tem* is in the morning of the same day at 9.30 a.m, subject to the convenience of the President. A copy of the minute to minute programme of the swearing in of the Speaker *pro tem* of the XIV Lok Sabha is at **Annex II-H**.

The arrangements for the swearing in of the Speaker *pro tem* are made by the President's Secretariat and invitations are also issued by that Secretariat. By convention, they have been inviting the Vice President, the Prime Minister, the Minister of

Parliamentary Affairs, and the Ministers of State of the Ministry of Parliamentary Affairs, the Secretary-Generals of the Lok Sabha and Rajya Sabha and Secretary of the Ministry of Parliamentary Affairs. If any other senior officer of the Ministry of Parliamentary Affairs is required to be present in the function, prior intimation has to be given to the office of the Military Secretary to the President.

By convention, the Minister of Parliamentary Affairs accompanied by the Secretary, Ministry of Parliamentary Affairs, assembles at the residence of the Speaker *pro tem* designate half an hour before the time fixed for the swearing in and accompanies the Speaker *pro tem* designate to the Rashtrapati Bhavan. The Minister also presents a bouquet to the Speaker *pro tem* designate. (This has to be arranged in advance by the P&W Section.) The car for the Speaker *pro tem* designate is arranged by the Lok Sabha Secretariat. The Minister also calls on the Speaker *pro tem* in his chamber after the swearing in and, if he so desires, he and the other Ministers of State for Parliamentary Affairs too may present bouquets to the Speaker *pro tem* in his chamber. (The Minister's office has to check this and arrange the bouquets, if required.)

Date and Time for Commencement of the First Session, President's Address and Election of the Speaker

Immediately after the formation of the Council of Ministers, a Note for the Cabinet is required to be prepared, seeking approval of the Cabinet on the following points:

- date of commencement of the First Session of the Lok Sabha and its duration;
- date of commencement of the next Session of the Rajya Sabha and its duration;
- date of holding of election of the Speaker; and
- date and time of delivery of the President's address to both Houses assembled together in the Central Hall of Parliament.

In case the new Lok Sabha is constituted in the early months of a financial year and the Parliament had earlier only approved a Vote on Account, then the question of having a Budget Session along with the First Session of the Lok Sabha will also have to be

14 Handbook on the Working of Ministry of Parliamentary Affairs

examined. Normally, only a short session is first convened to administer the oath/affirmation, election of the Speaker, President's address, etc. and the Budget Session is summoned subsequently.

After obtaining the approval of the Cabinet to the above proposals, the Minister of Parliamentary Affairs submits a note to the President for obtaining his approval to the Cabinet decisions on points at Sr. Nos. (i), (ii) and (iv) (**Annex II-I**). After the President's approval, the decisions with regard to the above are communicated to the two Secretariats of Parliament, which issue summons to the Members.

Consideration of the Confidence Motion

If the President directs the Prime Minister to obtain the Vote of Confidence, a draft motion proposed to be moved by the Prime Minister in the Lower House is sent to the Prime Minister's Office to enable him to sign the same and send it to the Secretary General, Lok Sabha. (During the XIV Lok Sabha, Government had the majority and a Confidence Motion was not required.) However, the communication sent to the Prime Minister's Office during 1998 along with the format of Confidence Motion are at **Annexes II-J & II-K**.

Appointment of the Leader of the Lok Sabha

In case the Prime Minister is not a Member of either House or is a Member of the Upper House, the Minister of Parliamentary Affairs requests the Prime Minister to nominate a Minister who is a Member of the Lok Sabha to function as Leader of that House. After obtaining approval of the Prime Minister, the Minister of Parliamentary Affairs informs the Speaker accordingly. Communication sent to the Lok Sabha in this regard is at **Annex II-L**.

Appointment of the Leader of the Rajya Sabha

In case the Prime Minister is not a Member of either House or is a Member of the Lok Sabha, the Minister of Parliamentary Affairs requests the Prime Minister to nominate a Minister who is a Member of the Rajya Sabha to function as Leader of that House. After obtaining approval of the Prime Minister, the

Minister of Parliamentary Affairs informs the Chairman, Rajya Sabha accordingly. Communication sent to the Rajya Sabha in this regard is at **Annex II-M**.

President's Address to Parliament

Once the decision of the Cabinet and President is obtained regarding the date and time of the President's address to Parliament and communicated to the Lok Sabha Secretariat, the Ministry of Parliamentary Affairs does not have any specific role to play regarding the President's address. However, when the President arrives in Parliament House, he is received by the Minister of Parliamentary Affairs also. The President is received at Gate No. 5 by the following VIPs in the order mentioned below:

1. Chairman, Rajya Sabha,
2. Prime Minister,
3. Speaker, Lok Sabha,
4. Minister of Parliamentary Affairs,
5. Secretary-General, Rajya Sabha, and
6. Secretary-General, Lok Sabha.

These VIPs have to reach the Gate in the reverse order of priority. Thus, the Secretary-Generals of the Lok Sabha and the Rajya Sabha have to reach first and others thereafter. The Minister of Parliamentary Affairs presents bouquets to the President and the VIPs at Sl. Nos. 1 to 3.

A procession is formed to take the President from Gate No.5 to the Central Hall. The procession comprises those who have received the President at Gate No. 5 as well as the Secretary to the President and certain other members of the staff from the President's Office.

Once the President's address is delivered, a copy thereof is laid on the Table of both Houses by the Secretary-Generals concerned. Thereafter, the ruling party moves a Motion of Thanks to the President's address in the Lok Sabha as well as in the Rajya Sabha, which has to be proposed and seconded by two Members of the ruling alliance. Copies of the formats for the Motion of Thanks are at **Annexes II-N & II-O**.

Election of the Speaker

Once the date for the election of the Speaker has been approved by the President and notified by the Lok Sabha Secretariat, any member may give notice in writing, addressed to the Secretary-General, of a motion that another Member be chosen as the Speaker of the House. This has to be seconded by a third Member and has to be submitted before noon on the day preceding the date of election. The format of motion for election of the Speaker, Lok Sabha is at **Annex II-P**. The motion for the ruling party alliance is generally arranged by the Office of the Minister of Parliamentary Affairs, as per his directions.

Appointment of Leaders of the Opposition in the Lok Sabha and Rajya Sabha and allotment of Rooms in Parliament House

The Chairman of the Rajya Sabha and the Speaker of the Lok Sabha recognise the Leaders of the Opposition in the Rajya Sabha and in the Lok Sabha respectively as per provisions made in Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977. Pursuant to this, the Ministry of Parliamentary Affairs notifies in the Gazette of India about the recognition of the Leaders of the Opposition in the Lok Sabha and the Rajya Sabha. Similarly, the Ministry also issues another Notification regarding the derecognition of the Leader of Opposition in either House of Parliament, whenever the Leader of Opposition demits the office. (Specimen copies of the Notifications issued in this regard are at **Annexes II-Q to T**).

The Ministry of Parliamentary Affairs also allocates rooms for the Leaders of the Opposition in the Parliament House. By convention, room numbers 43 and 44 on the Ground Floor of the Parliament House are allotted to the Leaders of the Opposition by the Ministry of Parliamentary Affairs (**Annex II-U**).

Allotment of Seats to MPs in Lok Sabha / Rajya Sabha

The allotment of seats in the Lok Sabha/Rajya Sabha to the Members of Parliament is a function of the concerned Secretariat. Normally, no seating arrangement is made in the Lok Sabha till the election of the Speaker. Blocks of seats are allotted to each party and the Minister of Parliamentary Affairs can make suggestions to the Lok Sabha/Rajya Sabha Secretariats in respect of the block to be allotted to the ruling party alliance.