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Chapter 1

Introduction

Object of the manual

1.1 This manual is intended to be a compilation of the procedures to be followed by departments in handling different items of parliamentary work. The provisions of this manual are based broadly on the provisions contained in the following publications:

- (a) Rules of Procedure and Conduct of Business in the Lok Sabha;
- (b) Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha);
- (c) Directions by the Speaker under the Rules of Procedure and Conduct of Business in the Lok Sabha;
- (d) 'Government & Parliament' Procedure to be followed by Ministries in connection with Parliamentary work, issued by the Lok Sabha Secretariat; and
- (e) A Memorandum on the preparation and passing of Bills, issued by the Ministry of Law and Justice.

Scope of the manual

1.2 The manual does not claim to interpret in an authoritative manner the rules of procedure governing the conduct of business in Lok/Rajya Sabha. Therefore, the users of the manual are advised that in all cases of doubt, the publications to which references have been made at appropriate places in this manual as well as the other instructions on the subject should be consulted.

Departmental instructions

1.3 The departments may issue from time to time, such instructions as considered necessary on various aspects to supplement the provisions contained in the manual.

Definitions

1.4 In this manual, unless the context otherwise requires:

- (a) 'Accessible documents' means documents other than (i) classified documents, and (ii) documents categorised as "for official use only";
- (b) 'Article' means an article of the Constitution of India;
- (c) 'Branch officer', in relation to a section means the officer who takes the work directly from the section;
- (d) 'Bulletin' means the bulletin of each House of Parliament;
- (e) 'Central registry' means a unit within a department charged with the responsibility of receiving, registering and distributing dak meant for that department, and includes functionaries like resident clerk and night duty clerk;
- (f) 'Classified documents' or 'classified information' means documents or information bearing security grading;
- (g) 'Constitution' means the Constitution of India;
- (h) 'Department' means any of the ministries, departments, secretariats and offices mentioned in the First Schedule to the Government of India (Allocation of Business) Rules, 1961, as amended from time to time;

- (i) 'Financial Bill' means a Bill or amendment making provision, among other things, for any of the matters specified in sub-clauses (a) to (g) of clause (1) of Article 110 of the Constitution;
- (j) 'House' means the Lok Sabha or the Rajya Sabha, as the case may be;
- (k) 'Houses' means the Lok Sabha and the Rajya Sabha;
- (l) 'Joint Committee' means a committee consisting of members from both Houses but does not include a committee of one House in which members of the other House are associated;
- (m) 'List of business' also referred to as 'order paper' means the list including the supplementary list of business and the revised list of business, if any, prepared by the secretariat of the House concerned containing the business to be transacted by that House on a particular day;
- (n) 'List of questions' means the list, prepared by the secretariat of the House concerned, of Starred, Unstarred and Short Notice Questions to be asked on a particular day;
- (o) 'Member' means a member of the Lok Sabha or the Rajya Sabha;
- (p) 'Money Bill' means a Bill containing only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of clause (1) of Article 110 of the Constitution and certified as such by the Speaker;
- (q) 'Order paper'—*see* 'List of business';
- (r) 'Parliament Unit' in a department means the unit within that department responsible substantively for the functions specified in Chapter II and general coordination in respect of parliamentary work in the department;
- (s) 'Parliamentary Committee' means a committee which is appointed or elected by the House or nominated by the Speaker/Chairman and which works under the direction of the Speaker/Chairman and presents its report to the House or to the Speaker/Chairman;
- (t) 'Presiding Officer' means the Speaker/Deputy Speaker of the Lok Sabha or the Chairman/Deputy Chairman of the Rajya Sabha and any other member of the House out of the panel prepared for the purpose, who for the time being presides over the sitting of the House;
- (u) 'Private Member' means a Member other than a Minister; and
- (v) 'Select Committee' means a committee of a House appointed for the detailed examination of a Bill.

Chapter 2

General Instructions

Regulation of
business

2.1 The procedure and conduct of business in Parliament is regulated by rules made under Article 118 of the Constitution and, in relation to certain financial business, by law made by Parliament under Article 119 of the Constitution. (No such law has so far been made by Parliament under Article 119.)

Duties of
departments

2.2 The principle of collective responsibility of the Council of Ministers renders it necessary for the Ministers to be ready to explain every action of the Government in the Lok/Rajya Sabha. This, in turn, requires the departments to be ready to brief the Minister concerned or the Cabinet adequately on all matters coming up before Parliament in whatever form they may be.

Duties of
officers

2.3 All officers are expected to anticipate matters that are likely to be raised in Parliament and keep ready as much information as possible in respect of such matters.

General duties
of Parliament
Unit

2.4 There is normally a full-fledged Parliament Unit in each department to receive, handle, pursue and coordinate (but not deal with substantively) all parliamentary work concerning the department. The functions of this unit are:

- (a) to serve as a central coordinating point for all parliamentary work;
- (b) to keep in touch with the Lok/Rajya Sabha Secretariat and the Ministry of Parliamentary Affairs with a view to obtaining advance intimation about question(s) finally admitted and other business to be transacted, and to transmit that information forthwith to the concerned officers/sections;
- (c) to receive through their central registry, all the dak from the LS/RS Secretariat and the Ministry of Parliamentary Affairs (unless they are addressed by name to officers);
- (d) to transmit without delay all the papers to the concerned officers/sections;
- (e) to remind the officers/sections concerned for prompt and timely disposal of the matter till, where necessary, the concerned file reaches the Minister;
- (f) to keep in touch with the private secretary to the Minister to see that the matter is brought to the attention of the Minister without delay and to take such further action as may be called for according to the needs of the case;
- (g) to prepare the pad for the Minister and senior officers as may be required under departmental instructions;
- (h) to submit a duplicate pad to the private secretary to the Minister;
- (i) to note in the margin, where relevant, against each item in the list of business received for the day, the time allotted, the time already spent and the balance thus: “ $5\frac{1}{2}-3 = 2\frac{1}{2}$ hours”, and if the time is not specified or the information is not available, to state this fact in the margin;
- (j) to see that the Parliament Assistant is present in the Lok/Rajya Sabha Official Gallery during the question hour on question days of the department and on days when business of the department is expected to

come up in the Lok/Rajya Sabha;

- (k) to see that a representative of the department is present in the Official Gallery of each House if there is business concerning the department in both the Houses simultaneously;
- (l) to arrange for one officer of the Parliament Unit to be available every day when either of the Houses is in session at the office telephone of the Unit from 09.00 hours till half an hour after the House adjourns;
- (m) to keep in touch with the Parliament Assistant, and if he is not available, with the representative of the Ministry of Parliamentary Affairs present in the Official Gallery, so as to be in a position to give information at a moment's notice about the stage of the proceedings relating to that department; and
- (n) to perform such other functions as may be laid down by departmental instructions.

Duties of the
Central Registry

2.5 All dak relating to parliamentary work from the LS/RS Secretariat and the Ministry of Parliamentary Affairs:

- (a) if received in the central registry, will be delivered at once to the Parliament Unit; and
- (b) if received by the night duty clerk will, where necessary, be read over to the Parliament Assistant or, in his absence, his superior on the telephone at once and dealt with according to his instructions.

Priority for
parliamentary
papers

2.6.1 All references received from the LS/RS Secretariat and the Ministry of Parliamentary Affairs and all files in connection with various items of parliamentary work will be given utmost priority.

2.6.2 Each department will issue departmental instructions specifying the levels at which papers relating to various items of parliamentary work will be submitted (a) at the dak stage, and (b) for final approval.

Communications
to the LS/RS
Secretariat PRO
1.5

2.7 The LS/RS Secretariat issues from time to time such information as names, designations and telephone numbers of their officers who should be contacted in connection with various types of parliamentary business. These should be carefully noted for addressing such communications to them and no communication shall, therefore, be addressed direct to the Speaker/Chairman. All the communications from departments addressed to LS/RS Secretariat in connection with questions etc., which are normally meant for submission to the Speaker (Lok Sabha)/the Chairman (Rajya Sabha), should be deemed to be important communications and signed personally by an appropriate senior officer.

Presence of
officers in the
Official Gallery

2.8 Which officer of the department shall be present in the Official Gallery in regard to different kinds of business, will be laid down by departmental instructions. The officer of the department present in the Official Gallery will have with him all the relevant papers, including a duplicate of the set of papers submitted to the Minister.

Attendance
during general
debates

2.9 A roster of officers will be drawn up to attend Parliament during general debates concerning all departments, such as budget, President's address, etc., expected to last for several hours (or even days) to note down points of interest to the department. Copies of the notes taken should reach the Secretary and Minister concerned the same evening. Briefs will be prepared on those points which require a reply.

Provisional
translation in

2.10 A copy of the material required to be sent to the LS/RS Secretariat, as approved by the Joint Secretary/Secretary, will be got translated into Hindi

Hindi

pending approval by the Minister.

Supplying information to the Speaker/Chairman for determining admissibility of any parliamentary business

2.11 In addition to the special criteria indicated in relevant chapters, notices relating to parliamentary business covering motions, resolutions etc., will be examined from the following angles when supplying information *suo motu* or at the instance of the LS/RS Secretariat to enable the Speaker/Chairman to determine the admissibility of the matter:

- (a) whether the subject matter falls outside the jurisdiction of the Central Government;
- (b) whether the issue involved has been considered before in Parliament or by the Government, and if so, with what results;
- (c) whether there is any objection to discussing the matter on grounds of policy or public interest; and
- (d) whether any reference or statement made is factually incorrect.

A copy of all communications sent to the Speaker/Chairman may also be endorsed to the Parliament Unit and the Ministry of Parliamentary Affairs.

Submission of briefs

2.12 Generally, briefs are prepared for the Minister on subjects concerning the department put down in the list of business. Such briefs will:

- (a) be short but contain complete information with supporting material in appendices, if necessary;
- (b) have necessary indication where information has not been received or is not available; and
- (c) be sent to the Minister well in time to enable him to study the matter before the reply.

Confirmation and correction of speeches of Ministers in Parliament

2.13.1 Speeches made by the Ministers in a House are taken down by the official reporters and computerised copies thereof forwarded to the Ministers for confirmation and correction the following morning.

These will be returned with corrections to the Editorial Branch by 15.00 hours the next day failing which the version, as taken by the official reporter, is treated as final. This time limit is required to be followed strictly as edited verbatim record of proceedings is put on Internet which is a time bound programme. Such corrections will be made neatly, legibly and in ink in order to facilitate their incorporation in the manuscripts of debates correctly and obviate printing errors.

PRO 19.1
PRO 19.3

SD 16 A
PRO 19.2

2.13.2 Only minor corrections, viz., those in respect of grammatical errors, misreporting of quotations, figures, names, etc., are allowed. When these are excessive, the text of the corrected speech is checked from the tape-record and any improvement in its literary form or alteration of its substance by additions or deletions is not allowed. If, however, extensive changes are considered necessary by the Minister, he is required to make a correcting statement in the House.

Supply of spare copies of proceedings
PRO 19.4

2.14 Extra copies of proceedings will be made available by the LS/RS Secretariat if the requirements are intimated to them well in advance, i.e., by the evening of the day to which the proceedings relate.

Record of proceedings

2.15 Each department will maintain, for ready reference, a record of parliamentary proceedings such as questions, half-an-hour discussions, call attention notices, etc. The manner in which such record should be kept will be regulated by departmental instructions.

Chapter 3

Questions

Types of
question
s
LSR 36,50
RSR 42,56

3.1 Questions are of three kinds, viz., starred, unstarred, and short notice questions.

- (a) Starred questions: These are answered orally on the floor of the House and with reference to the reply given; members are entitled to ask supplementary questions. These are to be intelligently anticipated in the note for supplementaries prepared for the use of the Minister.
- (b) Unstarred questions: These call for written replies which are placed on the Table of the House and no supplementaries are asked in respect of such replies.
- (c) Short notice questions: These may be put only in regard to matters of public importance of an urgent character at shorter notice than provided for in the Rules of the two Houses (vide para 3.2 below) and are answered orally as starred questions. The special features that characterise these questions are dealt with in paragraph 3.12.

LSR
36,39
RSR 42

LSR 54
RSR 58

Notice
for
question
PRO 1.3
LSR 35
RSR 41

3.2 The LS/RS Secretariat gives at least five days notice to the Minister concerned to answer a question. In practice, however, in order to give the concerned department as much time as possible for the preparation of an answer, an advance copy of a question in the provisionally admitted form is forwarded to that department by the LS/RS Secretariat.

Scrutiny
of
Question
s
PRO 1.4

3.3 On receipt of the provisionally admitted version of the question from the Parliament Unit, the concerned section will immediately examine it and take the following action:

PRO
1.18 to
1.21
Cabinet
Secretariat's D.O.
letter
No.73/2/
15/85-
Cab.
Dated
25.4.198
5,
11.3.87,
No.73/2/39/
91-Cab.
Dated
13.12.91
No.1/25/25/
98-
Cab.Dated
15.4.99 &
No1/25/52/
2000-Cab.
Dated
17.2.01

(a) (i) If it does not pertain to the department on the basis of the Allocation of Business Rules, the branch officer concerned will ring up the appropriate officer in the department to which the question belongs for transfer of the question. If the transfer is agreed to by him, the question will be transferred immediately and the fact of the transfer will be communicated on telephone to the LS/RS Secretariat followed by a written communication to the question branch of the said Secretariat. If, however, the officer in the other department does not agree to accept, the Secretary of the department will discuss the matter with the Secretary of the other department to resolve the issue.

(ii) If some of its components pertain to the sphere and responsibility of another department(s), the procedure as detailed in preceding sub-para will be followed to decide upon the department which, given the thrust of the question will answer the question and the other department(s) will furnish the relevant facts relating thereto to the department concerned to enable it to prepare the answer to the question.

(iii) If despite following the procedure as set out in sub-para (i) and (ii) above, irreconcilable differences still exist among departments on handling the parliament question, a reference giving details of discussions, etc., held with the other department(s), will be made to the Cabinet Secretariat by the department with the approval of the Secretary. If in the mean time the question is printed in the List of Questions, the question may be answered under compulsion but thereafter the matter will be pursued with the concerned department(s) requesting them to accept future questions on the subject.

(b) If it pertains to some other section, it will not be returned to the Parliament Unit but its transfer to the appropriate section will be settled either at the level of section officer or branch officer. Should this fail, the assistance of the O&M officer or other higher officer will be sought to resolve the issue without any delay or noting.

(c) It will be examined whether the question is admissible for reply in terms of provisions quoted in the margin.

LSR
41,42
RSR
47,48
SD
10(A)
PRO
1.6, 1.7,
1.11 to
1.17

Communi-
cation
of facts
to the
LS/RS
Secretariat
at
PRO
1.4,1.8

3.4.1 If considered necessary by the department or if required by the LS/RS Secretariat, relevant facts may be communicated to the Secretariat concerned as expeditiously as possible, but in any case not later than the specified date or within 48 hours of the receipt of such references as the case may be, for consideration of the Speaker/Chairman for deciding the admissibility of the question. If a reply cannot be sent in time, an interim reply explaining the reasons for delay will be given at once followed by the facts as soon as they are known. Clarifications, where necessary, will be sought from the LS/RS Secretariat and not from the member concerned.

3.4.2 When communicating facts, information of a confidential nature will be marked as such, and the LS/RS Secretariat be advised that the information should not be disclosed to the member(s) giving notice thereof.

Material
for reply

3.5.1 Immediately after communicating facts in the manner prescribed in the preceding paragraph, action will be initiated to collect the material for framing a draft reply and also, where necessary, a note for supplementaries. While the highest priority will be given to the collection of the required material, the following points will be borne in mind:

(a) The required information/ material may be collected through e-mail/fax ect.to avoid delay.

(b) Information to be sought will be limited to what is not available or what is required to update the available information.

(c) Only the authorities specifically concerned and in a position to give the relevant information will be approached.

Transfer
of
question
to a
subsequ
ent date
PRO
1.22

(d) If it is not possible for the department to collect all the information for reply to a starred question within the time available, as the information is sometimes to be collected from various authorities in different parts of the country, the Minister will inform the Speaker/Chairman about it, as early as possible, but not later than the day preceding that on which the question is listed; that the information for the reply to that question is being collected and that he would be in a position to reply to that question subsequently on another date during the session. If the Speaker/Chairman agrees, the question will be transferred from that day's list of questions to a subsequent date, as requested. The question so transferred will have the same priority in the new list of questions as it had obtained in the original list. *on to give the relevant information will be approached.*

Note for
supplem
entaries

3.5.2 Tabulation or compilation of information or data collected for framing a reply or for drafting a note for supplementaries will be started without waiting for the replies from all those who have been addressed.

Drafti
ng of
reply
PRO
1.23

3.6 While drafting the reply, the following points will be borne in mind:

(a) The preparation of a tentative draft reply and a draft note for supplementaries, where necessary, will be undertaken immediately on receipt of the provisionally admitted question. The draft reply so prepared will be reviewed on receipt of the printed list of admitted questions and, if necessary, revised so that it conforms to the admitted form of the question. To facilitate this, the Parliament Unit will keep in contact with the LS/RS Secretariat and ascertain the text of the question as finally admitted for the information of the section concerned, even before the printed list is received. This will be done a couple of days before the printed list is received, i.e., as soon as the final list is ready in the LS/RS Secretariat for being sent to the press.

PRO
1.23

(b) In preparing a draft reply, parts of the question will be reproduced and replies thereto set out in parallel columns against each part. In cases of starred questions, the position of the question in the printed list will be indicated on the top, right hand corner of the draft reply.

SD
13(A)
PRO
1.23

(c) The reply will be as precise, unambiguous and complete as possible, taking particular care to avoid expressions which are liable to be construed as evasive or as implying an assurance unless it is clearly intended to give one. As far as possible, each part of the question should be answered separately.

PRO
1.22

(d) As far as possible, an interim reply to the effect that information is being collected and will be placed on the Table of the House should be avoided. This is particularly important in the case of starred questions, where such a reply will unnecessarily take the time of the House and also deprive members of an opportunity to ask supplementary questions.

If for some unavoidable and unforeseeable circumstances, an interim reply becomes inescapable, it should be ensured that:

- (i) the required information is expected with a reasonable degree of certainty to be available subsequently; and
- (ii) there would be no objection to disclosing it.

PRO
1.30,1.
31

(e) If, on the basis of whatever information is already available with the department or has been obtained from the outside agencies, a satisfactory reply could be framed, the feasibility of giving such a reply, although not strictly complete, may be considered without calling for further information or holding out an assurance.

(f) Where a question calls for elaborate reply or detailed figures, the reading of which is likely to take more than 15 seconds, a statement giving the required information will be prepared and attached to the reply. In the case of a starred question, the reply will merely state that a statement is being placed on the Table of the House. In the case of an unstarred question, however, there is no need to say so specifically.

LSR
51
RSR
57

(g) When a reply to a question refers to the information available in a document, whether published under the authority of the Government or otherwise, copies of such a document will invariably be placed in the Parliament library before the answer is given or laid on the Table of the House.

(h) An answer to a question will not refer to the answer to a question or proceedings in the other House during a current session.

PRO
1.6,
1.13

(i) If a question is on the printed list, it has to be answered, even though the reply may be that it would not be in the public interest to give the information asked for.

PRO
1.32

(j) When the original question is in Hindi, the reply will be in Hindi and will be treated as the authentic version and the English version will be treated as its translation.

Note
for
supple
mentar
ies

3.7 A note for supplementaries for the use of the Minister will be added to all draft replies to starred and short notice questions. It will be comprehensive but as brief as possible and will take into account the likely supplementaries with reference to the nature of the question and the context in which the member has raised it.

Transl
ation
of
questi
ons
into
Hindi
PRO
1.32,1.
33

3.8.1 The draft reply will be in the language (Hindi/English) in which the question is put, accompanied by a translation in the other language. On return of the file from the Minister, the Parliament Unit will ensure that the translation takes into account the changes made in the draft reply, before it is stenciled/photocopied. Wherever possible, the English version of the answer may be cyclostyled/photocopied on the back of the Hindi version. In case of any doubt between the English translation and Hindi text of such questions, the department may make a reference to the Secretariat concerned to seek a clarification.

PRO
1.34

3.8.2 Under the existing requirements, Hindi and English versions of the answer to a question will be given simultaneously. Where, however, the answer involves laying on the Table of the House a lengthy statement or document which is available only in English, such papers may be laid on the Table of the House in English along with the statement explaining the reasons for not laying the Hindi version of the document(s), etc., and stating when the Hindi version would be made available to members. However, efforts will be made to make such document(s) available in Hindi as soon as possible. Where the Hindi version is laid on the Table of the House subsequently, the instructions contained in paragraph 4.1(h) will be followed.

Dispat
ch of
reply
to the
LS/RS
Sectt.
PRO
1.24

3.9.1 Replies to the questions will be sent to the LS/RS Secretariat so as to reach not later than 15.00 hours on the working day preceding the day on which the question is due for reply.

PRO
1.5

3.9.2 All communications from departments addressed to the Parliament Secretariats in connection with questions, etc., which are normally meant for submission to the Presiding Officers, should be deemed to be important communications and signed personally by an appropriate senior officer.

Comm
unicati
ng the
name
of the
Minist
er who
will be
answer
ing the
Questi
ons
PRO
1.35

3.10 The Parliament Unit will circulate within the department, in advance, a list showing the distribution amongst Ministers of the starred question(s) to be answered by them on a particular day. Where, for unavoidable reasons, the question has to be answered by a Minister, Minister of State, Deputy Minister or Parliamentary Secretary) not incharge of the department, the fact will be communicated by the Parliament Unit to the LS/RS Secretariat by 15.00 hours on the working day preceding the day on which the question is due for reply.

NO
advanc
e
publici
ty

3.11 Replies to questions which Ministers propose to give, will not be given any publicity until the answers are given on the floor of the House or laid on the Table of the House.

SD
13(3)
LSR
53
RSR
59

Short
notice
questi
on
LSR
54
RSR
58

3.12.1 It is within the discretion of the Minister not to accept a short notice question.

PRO
1.18
LSR
54
RSR
58

3.12.2 The advance copy of such a question, when received, will be transmitted at once to the branch officer concerned and also brought to his notice orally. If received outside office hours, the central registry will send it to the residence of the branch officer concerned after consulting the Parliament Unit. The branch officer will obtain such instructions as may be necessary, from higher officers and submit the file immediately giving his remarks whether it would be possible to answer it at short notice. If the recommendation is that the question could be accepted, a draft reply with a suitable note for supplementaries will be put up for submission to the Minister, suggesting the date on which he may answer the question. The date approved by the Minister will be communicated to the LS/RS Secretariat.

PRO
1.18

3.12.3 If, having regard to the nature of the question, it is found to be inadmissible under the rules [vide para 3.3(c)], or if the question is not acceptable to the Minister, these facts will be communicated promptly and in any case within two days to the LS/RS Secretariat.

Questi
on
requiri
ng
approv
al of
the
Prime
Minist
er

3.13 Draft replies to certain questions require the approval of the Prime Minister. In this connection, detailed instructions issued by the Prime Minister's Office specifying the type or nature of questions requiring such approval and the procedure to be followed in that behalf, will be observed.

Variati
ons in
answer
to a
questi
on

3.14 Where a Minister, while replying to a question, varies the answer, the department concerned will immediately communicate the fact to the LS/RS Secretariat as well as to the Information Officer concerned and ensure that the necessary corrections are made in the copies already supplied.

Numb
er of
copies
to be
suppli
ed

3.15.1 The number of copies (English and Hindi versions) of answers to questions including short notice questions and statements correcting answers to previous questions to be sent to the LS/RS Secretariat may be ascertained from the Secretariat concerned.

3.15.2 The prescribed number of copies in English and Hindi (to be ascertained from the Lok/Rajya Sabha Secretariat) of each of the replies to all the questions and a statements made or laid on the Table of the House as part of replies to questions, will be sent to the Translation Branch.

3.15.3 Four hundred copies in English and 100 copies in Hindi, or 500 copies where English and Hindi versions are printed on the obverse and reverse, of answers to questions will be supplied to the Press Information Bureau.

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1.36
SD 16
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3.16 If inadvertently, an answer to a question contains any inaccuracy, the procedure as given below will be followed:

(a) Within a week of the reply the Minister will ordinarily give the Secretary General, Lok/Rajya Sabha a notice of his intention to make/lay statement along with a copy of the statement proposed to be made/laid giving reasons for the delay in laying such a statement, if the delay is more than seven days.

(b) The prescribed number of copies each of Hindi and English versions of the statement to be made/laid by the Minister, along with the authenticated copies each in Hindi and English versions, explaining reasons for delay, if necessary, will be sent so as to reach the LS/RS Secretariat by 15.00 hours at the latest, on the working day preceding the day on which the statement is to be made/laid.

(c) If the House is in session:

(i) in the case of starred questions/short notice questions/statements, whether for the Lok Sabha or the Rajya Sabha, the item would be included in the list of business on an appropriate date and the Minister will be called upon to make the statement in the House or lay it on the Table of the House. After the statement has been made, the Speaker may permit members to ask supplementary questions, strictly relevant to the subject matter of the corrections made by the Minister.

SD
16(ii
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PRO
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SD
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A(ii)
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(iii)
PRO
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(ii) In case of unstarred questions for the Lok/Rajya Sabha, the item would be included in the list of questions for written answers on the appropriate date in the following manner:

“The Minister of. to lay a statement correcting the reply given on the 20..... to unstarred question No. by Sh. regarding”

SD1
6(iii)
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SD 16
A(iv)
PRO
1.42

(d) If a House is not in session:

(i) in the case of starred questions, either the Minister may be called upon to make the statement during the next session; or

(ii) the statement may be included in the official report of the debates with a footnote in the following manner:

“The original reply or statement by the Minister reads as follows:

XXX XXX XXX

The reply as printed above was sent by the Minister afterwards in substitution of the original reply.”

NOTE: Where it is not considered desirable to publish the original reply, only the revised reply will be printed with a suitable footnote.

(iii) in the case of unstarred questions, procedure as described above in (d) (ii) will be followed.

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3.17.1 On a notice being given by a member, the Speaker/ Chairman may allot half-an-hour for discussion on a matter of sufficient public importance, which has been the subject of a recent question and the answer to which needs elucidation on a matter of fact. The discussion is restricted to:

- (a) the member who gave notice making a short statement;
- (b) the Minister making a short reply; and
- (c) other members, not exceeding four, in the case of the Lok Sabha/ Rajya Sabha. asking supplementary questions.

3.17.2 The advance copy of the notice for half-an-hour discussion, when received, will be transmitted at once to the branch officer concerned and also brought to his notice orally. If received outside office hours, the central registry will send it to the residence of the branch officer concerned after consulting the Parliament Unit.

3.17.3 Where the stipulated notice of 3 days has not been given, the branch officer will:

- (a) put up the file for ascertaining if the Minister is agreeable to holding the discussion; and
- (b) communicate the fact to the LS/RS Secretariat if the Minister does not agree to hold the discussion.

3.17.4 Where the stipulated period of notice has been given or the Minister agrees to hold the discussion without the stipulated period of notice, action will be taken immediately to:

- (a) gather all the necessary facts; and
- (b) prepare a brief for the use of the Minister.

SD
19

3.17.5 When half-an-hour discussion is interrupted for want of quorum or when there is no time for the Minister to give a full reply to the debate, he may, with the permission of the Speaker, lay a statement on the Table of the House.

Chapter 4

Laying of Papers on the Table of the House

General
procedure

4.1 Papers, reports or statements may be required to be laid on the Table of the House under different circumstances. The broad procedure to be followed for the purpose is indicated below:

PRO 6.1(a)
SD 116

(a) At least three clear sitting days' notice is required for laying a document of the above kind on the Table of the House.

PRO 6.2
PRO 6.3
SD 116(3)

(b) Where papers are proposed to be laid at less than three days' notice, it can be done usually only with the permission of the Speaker/Chairman, which will be obtained through the LS/RS Secretariat. When a Minister is permitted to lay a paper at short notice, the Ministry concerned should arrange to supply the authenticated copy and the usual number of copies of the paper to the LS/RS Secretariat as soon as the permission is accorded and in any case before the paper is laid on the Table.

PRO 6.1(a)

(c) The number of copies (English and Hindi versions) to be supplied to the LS/RS Secretariat for the above purpose is to be ascertained from the concerned Secretariat.

PRO 6.6,
6.18

(d) Where it is proposed to distribute copies to members, additional copies (as ascertained from the LS/RS Secretariat) will be sent.

(e) The communication forwarding the copies to the LS/RS Secretariat will indicate *inter alia*:

PRO 6.1(i)

(i) whether they are to be laid on the Table or they are only meant for distribution to members;

PRO 6.1(a)

(ii) the date on which it is proposed to lay the document in question on the Table of the House; or

PRO 6.1(d)

(iii) whether the date on which the document is to be laid on the Table of the House is to be fixed in consultation with the Ministry of Parliamentary Affairs; and

PRO 6.1(b)

(iv) the name, designation and telephone number of the officer from whom additional copies of the document could be obtained, if need be;

PRO 6.1(a)

(f) one copy each in Hindi and English, out of (c) above will be duly authenticated by the Minister concerned, preferably on the front page of the paper, in the form indicated below:

“Paper to be laid on the Table of Lok/Rajya Sabha.

AUTHENTICATED

New Delhi, (Signature)

Dated the Minister of.....”

(g) Two copies of all papers sent to the LS/RS Secretariat vide (c) above, will also be sent to the Ministry of Parliamentary Affairs.

- PRO 6.1 (h) Ordinarily, and as far as possible, all papers including reports/audit reports required to be laid on the Table will be laid in both English and Hindi versions simultaneously. However, if in exceptional and unavoidable circumstances, it is not possible to lay both the versions simultaneously, the Minister concerned, while laying one version, should invariably lay a statement explaining the reasons for not laying the other version, and also indicating the time that would be taken for submission of the other version. In such cases, the other version should be laid on the Table either in the same session or at the most in the first week of the next session, along with a statement inviting attention to the fact of the reports in the first version, English or Hindi, having been laid on the Table earlier on a particular date. In the event of only one version being laid, the departments should get a waiver from the Presiding Officer of the House for doing so.
- PRO 6.1(f) (i) If, for any reason, the Minister concerned is not in a position to be present, he will inform the Speaker/Chairman in advance the name of the Minister who would lay the paper on his behalf. A copy of this communication will also be endorsed to the Minister of Parliamentary Affairs and the Table Office, LS/RS Secretariat, so as to reach them at least one hour before the commencement of the sitting.
- PRO 6.1(g) (j) All reports, required to be laid on the Table of the House, will be released to the Press only after they have been so laid. However, reports under the Companies Act, 1956 may be circulated to the members directly by the government companies immediately after their annual general meetings and laid on the Table of the House as soon as possible thereafter.
- PRO 6.1(j) (k) Papers meant for being laid on the Table of the Houses will not be sent during the period between the adjournment of the Houses *sine die* and issuing of the notification regarding the commencement of the next session.
- PRO 6.4 (l) Whenever any report of enquiry, in regard to serious accidents (mining, explosions, etc.), which have previously been brought to the notice of the Lok/Rajya Sabha through adjournment motions or otherwise, is laid on the Table of the House, the Minister concerned will make a brief statement giving a summary of the report and the cause of the accident.
- PRO 6.17 (m) In cases where undue delay occurs in laying a document on the Table of the House, a statement giving reasons for delay will also be laid on the Table.

4.2 The broad procedure to be followed with regard to laying on the Table 'sensitive notifications', i.e., those notifications which make changes in export duties, major changes in procedures and changes in import and Central excise duties involving revenue of more than Rs. 50 lakhs per annum, except cases where an existing concession is being continued, is indicated below:

- PRO 6.22(1) (i) Such a notification should be published in the Gazette Extraordinary.

PRO 6.22(2)
PRO 6.23

(ii) If sent to press before 18.00 hours it should be laid on the Table on the same day just before the adjournment of the House, even without G.S.R/S.O. number which may be intimated later, after seeking time and permission from the Presiding Officer in writing for laying it. Copies along with a copy of the letter addressed to the Presiding Officer should be delivered to the Table Office by 14.00 hours. Clear and precise subject of the notification along with the relevant provisions in the Act requiring their laying on the Table should be included in the forwarding letter.

PRO 6.22(3)

(iii) If sent to press after 18.00 hours, copies should be sent for circulation to Members of Parliament by midnight the same day and the notification should be formally laid at the next sitting.

However, if in any particular case the issue of a notification was not anticipated and, therefore, copies could not be made, the Minister concerned should address a letter to the Presiding Officer the same night enclosing a copy of the notification and informing him of his intention to lay the notification at the next sitting.

PRO 6.22(4)

(iv) Copies of all such communications sent to the Presiding Officers, should be endorsed to the Secretary General, Lok Sabha/Rajya Sabha and the Table Office of the LS/RS Secretariat.

PRO 6.22(4)

(v) Notifications, other than the sensitive notifications issued under the Customs & Central Excise Act, should be laid within seven days of their publication, with GSR/SO number.

PRO 6.22(4)

(vi) If the House is not in session, all notifications, including sensitive ones should be laid within seven days of the commencement of the next session.

Chapter 5

Motions, Official Statements, Short Duration Discussions & Resolutions

- Adjournment
Motions
LSR 57,
PRO 2.1
- 5.1.1** A member of the Lok Sabha may give notice of an adjournment motion to the Secretary-General and copies thereof shall be endorsed to the Speaker, the Minister concerned and the Minister of Parliamentary Affairs. Notices of such motions will be collected daily by the Parliament Unit from the Table Office of the Lok Sabha, on all working days from three working days prior to the commencement of the session, till the end of the session, between 10.30 and 11.00 hours and 16.00 and 16.30 hours.
- LSR 58, 59
- 5.1.2** On receipt of such a notice, the Parliament Unit will immediately pass it on to the Secretary of the department with copies to the Private Secretary to the Minister and the branch officer in-charge of the subject who will:
- LSR
- (a) immediately examine the matter in the light of the criteria laid down in the Rules of Procedure and Conduct of Business in Lok Sabha.
- (b) submit a brief for the use of the Minister on the stand to be taken; and
- (c) communicate to the Lok Sabha Secretariat, the relevant facts after the Minister's approval, stating clearly the fact of such approval.
- PRO 2.5
- 5.1.3** Where the Speaker has referred the notice to the Minister for facts, such facts will be communicated to the Speaker, before the House adjourns for the day on which the facts have been sought, but not later than 10.00 hours on the following day. If this is not possible, an interim reply will be sent either in writing or over the phone indicating the probable date by which a final reply will be sent.
- PRO 2.3
- 5.1.4** Since adjournment motions are taken up in the House on the same day immediately after the Question Hour or at 11.00 hours, if there is no Question Hour, the Minister concerned may be requested to be present in the House accordingly.
- Calling Attention
notices
- LSR 197
RSR 180
PRO 3.1
- 5.2.1** A member may give a notice to the Secretary- General, Lok/Rajya Sabha to call attention of a Minister to any matter of urgent public importance and request him to make a statement. Copies of such notices are required to be endorsed to the Speaker/Chairman as well as the concerned Minister. The Lok Sabha notices will be collected by the Parliament Unit from the LS Secretariat and the Rajya Sabha notices from the Ministry of Parliamentary Affairs between 10.30 and 11.00 hours and 16.00 and 16.30 hours.

5.2.2 On receipt of such a notice, the Parliament Unit will immediately pass it on to the branch officer concerned who will examine the matter and take the following action with the approval of the Minister:

(a) bring relevant facts to the notice of the LS/RS Secretariat within 24 hours in writing or over the phone, where necessary, for deciding the admissibility or otherwise of the notice;

(b) send an intimation to the LS/RS Secretariat, if the Minister desires to make a statement on his own, indicating the date on which it is proposed to be made; and

(c) examine whether, having regard to the importance of the subject matter, the statement is to be made in the other House also on the same day.

Procedure for
making statement
SD 47(a)
LSR 197
RSR 180
PRO 3.3 to 3.5

5.2.3 When a calling attention notice on an issue is raised in the House, the Minister concerned may either make a statement on the basis of available information or ask for time for making such a statement at a later hour or date. If the statement is a lengthy one, only a gist thereof need be read out, while the complete statement may be laid on the Table of the House. The Speaker/Chairman should be informed in advance about the course to be followed. The statement will also cover the points raised by the members through separate notices of questions, adjournment motions, etc., on the same or allied subjects so as to enable the Speaker/Chairman to disallow such notices.

Briefing the
Minister

5.2.4 On receipt of an intimation that a member has given a calling attention notice on a subject, even though it might not have been admitted, the facts about the subject raised therein will be collected and the Minister briefed, as the subject might come up again suddenly in Parliament in some other form.

SD 119
PRO 7.2 to 7.4

5.3.1 If the Minister *suo moto* wishes to make a statement on a matter of public importance on any day, or whenever a direction by the Presiding Officer or an assurance by the Minister of Parliamentary Affairs or any other Minister is given in either House that the Government will make a statement on that subject in both the Houses irrespective of the fact that the assurance has been given only in one House intimation thereof indicating the date on which the statement is proposed to be made will be sent to the Lok/Rajya Sabha Secretariat so as to reach it latest by 15.00 hours on the previous working day. When a statement is to be made on a Monday, intimation to that effect should reach the Parliament Secretariat by 15.00 hours on the preceding Friday. Where, however, the statement is to be made at shorter notice, previous permission of the Presiding Officer will be obtained before 10.00 hours on the day on which it is proposed to be made. In all such cases, a copy of the statement proposed to be made by the Minister will also be sent in advance to the Lok/Rajya Sabha Secretariat for information of the Speaker/Chairman. Where, however, the statement proposed to be made is of secret nature, a copy thereof should be supplied confidentially to the Speaker/Chairman in advance. It is desirable that the statement to be made should also cover the points raised in notices of calling attention, short notice questions, etc., that may have been separately received on the same subject. Lengthy statement (i.e., exceeding three pages) may be laid on the Table.

5.3.2 Three copies of all statements to be made in the Parliament by Ministers, together with the brief for answering any supplementary questions concerning the subject matter, will be sent to the Joint Secretary to the Prime Minister.

PRO 7.5

5.4 The number of copies of the statement etc., (English and Hindi version) to be sent to the LS/RS Secretariat and the Ministry of Parliamentary Affairs may be ascertained from them. These copies may be sent to the Secretariat concerned one day in advance but in any case not later than 10.00 hours on the date on which the statement is to be made or laid, for being made available to members in advance through the Parliamentary Notice Office. Where it is not possible to supply the required number of copies in advance, six typed copies of the statement in the language in which it is to be made by the Minister may be furnished by 10.00 hours on that day and the remaining copies supplied by 10.30 hours at the latest.

Motions on matters of public interest
LSR 184, 186
RSR 167

5.5.1 A member or a Minister may move a motion for discussion on a matter of general public interest. It should raise substantially one definite issue and be restricted to a matter of recent occurrence. In respect of an official motion, a notice of at least five days will normally be given to the concerned Parliament Secretariat under intimation to the Ministry of Parliamentary Affairs for moving the motion.

LSR 186, 188
RSR 169

5.5.2 On receipt of the notice of a motion from a member, the Parliament Unit will immediately pass it on to the branch officer concerned who will:

- (a) examine the matter in the light of the criteria laid down;
- (b) communicate facts to the LS/RS Secretariat where these have been specifically called for, or are considered absolutely necessary; and
- (c) submit a brief for the Minister on the stand to be taken if and when the motion is moved.

No-day-yet-named
Motions
LSR 189
RSR 171

5.6 If a notice of a motion is admitted by the Speaker/Chairman, it is put down in the list of business of the House concerned for the day on which its discussion is fixed. If, however, no day for its discussion has been fixed, it is notified in the bulletin as a “No-Day-Yet-Named Motion.” On receipt of such a bulletin from the Parliament Unit, the section concerned will examine the motion critically and obtain the orders of the Minister in regard to his convenience for a discussion thereon. The Ministry of Parliamentary Affairs will be informed of the decision so arrived at.

Short duration
discussion on
matters of public
importance
LSR 193
RSR 176

5.7.1 Any member desirous of raising a discussion on a matter of urgent public importance for short duration, may give notice thereof in writing to the Secretary-General, Lok Sabha /Rajya Sabha.

5.7.2 On receipt of a copy of notice in Parliament Unit, it will immediately be passed on to the branch officer concerned who will:

- (a) communicate facts to the LS/RS Secretariat where called for; and
- (b) initiate action to collect relevant information.

LSR 194
RSR 177

5.7.3 On receipt of the admitted notice, the Parliament Unit will immediately pass it on to the branch officer concerned, who will submit a brief for the Minister on the stand to be taken.

LSR 171 to 173
RSR 155 to 157,
165

5.8.1 A member or a Minister may move a resolution relating to a matter of general public interest. The conditions governing admissibility of resolutions are laid down in LSR 173 and RSR 157.

Official
Resolutions

5.8.2 Where it is proposed to move an official resolution, the department concerned will:

- (a) prepare a draft of the resolution and an explanatory note thereof;
- (b) consult other departments concerned, if necessary;
- (c) obtain the approval of the Cabinet, where necessary under the Government of India (Transaction of Business) Rules;
- (d) give adequate notice (at least ten days before the termination of the session) to the Ministry of Parliamentary Affairs in Part II of the form at [Annex 1](#);
- (e) forward the resolution duly signed by the Minister to the Secretary-General, Lok Sabha /Rajya Sabha with an endorsement to the Ministry of Parliamentary Affairs; and
- (f) submit a detailed brief for the use of the Minister.

Private Members'
Resolutions

5.8.3 On receipt of the result of ballot, the Ministry of Parliamentary Affairs communicates text of the selected private members' resolutions to the departments concerned, which are expected to prepare a separate brief on each resolution concerning them.

5.8.4 The brief will state categorically whether it is proposed to accept the resolution, or accept it with amendment(s), or to request the member to withdraw it failing which it will be opposed, or to oppose it. A standard formulation as follows may be used with appropriate modification, if necessary:

“The member may be persuaded to withdraw the resolution. In case the member does not agree to its withdrawal, the resolution may be opposed in the present form or any other modified form.”

Five copies each in Hindi and English versions of the brief approved by the Minister will be sent to the Ministry of Parliamentary Affairs which will place it before the Cabinet Committee on Parliamentary Affairs and communicate its decision to the department.

Notice of
amendments to
resolutions/motions

5.9 A member desirous of moving an amendment to a resolution or motion is expected to give at least a day's notice. On receipt of such notice, the branch officer concerned will:

LSR 177
RSR 160

- (a) submit a brief for the Minister; and
- (b) prepare a supplementary note unless the point raised has been specifically covered by the brief already prepared on the subject.

Chapter 6

President's Address

Introduction

6.1.1 In accordance with Article 87(1) of the Constitution, at the commencement of the first session after each general election to the Lok Sabha, and also at the commencement of the first session of each year, the President addresses both the Houses assembled together and informs Parliament of the causes of its summons. The address, which is usually delivered in the month of February, reviews the important happenings during the preceding year and also gives broad indication of the government's policies and programmes for the current year.

LSR
16,17,20
RSR
14,15,18

6.1.2 After the address, general discussion takes place in each House on the address on a Motion of Thanks moved by a member and seconded by another member. Normally the Prime Minister replies to points raised during the discussion. Any other Minister may, at his discretion, intervene to explain the Government's point of view on matter concerning his department. The Motion of Thanks is then put to vote of the House.

Material for President's address

6.2 In December each year, the Prime Minister's Office calls upon the departments to furnish material for incorporation in the President's address. This is followed by a separate request from the Ministry of Parliamentary Affairs for a list of legislative proposals meriting mention in the address. Action will be taken in this regard as indicated below:

- (a) The section in the department entrusted with the task of coordinating action in the matter will initiate action well in time in anticipation of the receipt of these communications and ask other sections concerned to make available, by a fixed date, suitable material for the purpose.
- (b) The sections will prepare the material and forward it to the co-ordinating section after obtaining approval of the Joint Secretary concerned.
- (c) The co-ordinating section will:
 - (i) consolidate and edit the material so received into an integrated document for the department as a whole;
 - (ii) obtain the approval of the Minister; and
 - (iii) transmit the material to the Prime Minister's Office/Ministry of Parliamentary Affairs, as appropriate, on or before the dates prescribed by them.

Attendance by officers of the department

6.3 Parliament Unit will see that the department deputed, by rotation, an officer to be present in the official gallery to take note of the points, relevant to the department, made during the general discussion on the President's address (vide sub para 6.1.2) so that further action as required in para 2.9 is taken.

Follow-up action

6.4 Copies of the address are circulated to all the departments by the Ministry of Parliamentary Affairs. The co-ordinating section will examine it in consultation with the concerned section and have such follow-up action taken as may be required.

LSR 18
RSR 16

6.5 Members may move amendments to the Motion of Thanks drawing attention to specific points. On receipt of notices of such amendments, a suitable brief will be prepared on more important points as may be required for the use of the Minister/Prime Minister.

Chapter 7

Budget

Introduction
LSR 204
RSR 181

7.1.1 According to Article 112(1) of the Constitution, an annual financial statement (also known as budget), giving the estimated receipts and expenditure of the Central Government in respect of each financial year, is to be laid on the Table of the two Houses before the commencement of that year. The annual financial statement or the budget is presented to the Lok Sabha in two parts, viz., the Railway Budget pertaining to the Railway Finance, and the General Budget which gives an overall picture of the financial position of the Government of India, excluding the Railways.

Material for Finance
Minister's budget
speech

7.1.2 In January each year, the Ministry of Finance calls upon departments to furnish suitable material for incorporation in the Finance Minister's budget speech. Action as follows will be taken in this regard:

- (a) The section in the department entrusted with the task of co-ordinating action in this regard will initiate action well in time in anticipation of the receipt of relevant communication from the Ministry of Finance and ask other sections concerned to make suitable material available by a fixed date.
- (b) The sections will prepare the material and forward it to the co-ordinating section after obtaining the approval of the Joint Secretary concerned.
- (c) The co-ordinating section will:
 - (i) consolidate and edit the material so received into an integrated document for the department as a whole;
 - (ii) obtain the approval of the Secretary; and
 - (iii) transmit the material to the Ministry of Finance.

Budget documents

7.1.3 By convention, usually the last working day of February is fixed for the presentation of budget. The following documents are placed before Parliament along with the budget:

- (a) Demands for Grants by Major Heads in One Volume for all departments;
- (b) Expenditure Budget Volume (*inset* 1) (Incorporating Explanatory Memorandum and Plan Budget), Expenditure Budget Volume 2 (incorporating Notes on Demands for Grants) and Receipts Budget (incorporating Receipts, Recoveries of Loans, Other Capital Receipts and Debt Position of the Central Government);
- (c) Economic Survey containing an assessment of the main trends in the economy of the current year with a view to presenting the background against which the budgetary and economic policies for the coming year have to be viewed (circulated to members in advance);
- (d) Finance Bill to give effect to the financial proposals of the Government for the coming year;

(e) Explanatory Memorandum explaining the provisions in the Finance Bill;

LSR 213
RSR 183

(f) The budget can also be presented to the House in two or more parts and when such presentation takes place, each part shall be dealt with as if it were the budget; and

LSR 215

(g) Supplementary, additional, excess and exceptional grant and votes of credit shall be regulated by the same procedure as is applicable in the case of Demands for Grants subject to suitable adaptations.

Budget proposals
LSR 205
RSR 181(2)

7.1.4 While presenting the budget at 11.00 hours on the scheduled day in the Lok Sabha, the Finance Minister makes a speech giving *inter alia* details of the proposals for the new financial year regarding taxation, borrowings and expenditure. The budget is laid on the Table of the Rajya Sabha soon after the Finance Minister has completed his budget speech in the Lok Sabha. No discussion takes place on the day the budget is presented.

General discussion
LSR 207
RSR 182(2)

7.1.5 In consultation with the Ministry of Finance, the Ministry of Parliamentary Affairs fixes dates for general discussion on the budget. The discussion is confined to the budget as a whole or any question of principle involved therein. The Finance Minister has a right to reply to the general discussion in both the Houses. No vote is, however, taken at this stage.

Demands for
GrantsCut Motion

7.1.6 After the general discussion, the Demands for Grants of individual departments are taken up in the Lok Sabha for discussion according to a time table as decided at the meeting of the Business Advisory Committee of the House and voted upon. When a demand is taken up for discussion, any member may seek reduction in the amount of the demand by moving any of the following types of cut motions, a notice of which having been given by him earlier:

LSR 209(a)

(a) 'Disapproval of Policy Cut' by moving "that the amount of the demand be reduced to Re. 1", thus representing disapproval of the Policy underlying the demand.

LSR 209(b)	(b) 'Economy Cut', by moving "that the amount of the demand be reduced by a specified amount" representing the economy that can be effected.
LSR 209(c)	(c) 'Token Cut', by moving "that the amount of the demand be reduced by Rs. 100" in order to ventilate a specific grievance, which is in the sphere of the responsibility of the Government of India.
PRO 9.1	(d) Subject to the availability of time and the convenience of the Ministers, the Minister while replying to the discussion on Demands for Grants may also deal with such other points made by members in the course of general discussion on General Budget as had not been replied to by the Minister of Finance in his reply to the general discussion on the General Budget.
Guillotining of demands LSR 208(2) PRO 9.2	7.1.7 The demands that are not passed by the Lok Sabha on the last day fixed for the purpose are "guillotined". The Presiding Officer calls for vote for the remaining demands one after the other and thus all the demands are voted upon within the allotted time. Ministers concerned with the departments whose Demands for Grants have not been discussed in the Lok Sabha and are to be guillotined should be present in the House at the time of guillotine so that they may answer any points which may be raised by members.
Appropriation Bill LSR 218 RSR 186	7.1.8 After the voting on the demands has been completed, an Appropriation Bill is introduced in the Lok Sabha seeking "to authorise payment and appropriation of the sums so voted, as well as those required for meeting the charged expenditure from and out of the Consolidated Fund of India for the services during the financial year." After the Bill has been passed by the Lok Sabha, it is transmitted to the Rajya Sabha for consideration and return.
Finance Bill LSR 219	7.1.9 The Finance Bill is then considered and passed by Parliament as a Money Bill.
Annual Reports	7.2.1 Departments are expected to prepare annual reports well in advance of the discussion on their Demands for Grants. The purpose of the annual reports is to enable the members to appreciate the performance of each department.

7.2.2 The section entrusted with the task of co-ordinating action in this regard will:

- (a) initiate action for the preparation of the report in the first week of December of the year to which the report relates;
- (b) watch the progress through a rigid time schedule;
- (c) ensure that the time limits fixed by the Ministry of Urban Development and Poverty Alleviation (Directorate of Printing) (having regard to the programme of business in Parliament) for the transmission of the report in manuscript form (both in Hindi and English) to the press, checking of proofs and the placing of final print order are scrupulously adhered to, so as not to upset the time schedule according to which the printing presses are required to work;
- (d) ensure that what is finally printed represents the latest position by distributing to the sections concerned portions of proofs relating to their respective materials for careful scrutiny and correction and updating before return within the time limits to be fixed for the purpose;
- (e) ensure that the stipulated number of copies of the report are made available to the LS/RS Secretariat for circulation to members at least one week before the adjournment of both the Houses for recess during budget session; and
- (f) ensure that the report of the department may be released only after the presentation of the budget, as the reports sometimes give indication of the future plan together with reasons therefore, but in no case, their delivery to the Lok/Rajya Sabha Secretariat be delayed beyond the period stipulated above in para 7.2.2(e).

7.2.3 The type of information that might go into an annual report may be based broadly on the lines indicated in [Annex 2](#) subject to such modifications as may be intimated by the Ministry of Parliamentary Affairs from time to time. It will, of course, be open to the departments concerned to modify the broad model format to meet their special needs.

7.2.4 The number of copies of the annual report to be sent to the various authorities is as follows:-

No. of copies of annual report to be supplied

	<i>English</i>	<i>Hindi</i>	<i>Bilingual</i>
*(a) LS Secretariat	470	260	620
*(b) RS Secretariat	235	35	250
*(c) Press Information Bureau	900	300	1000

(d) Ministry of Parliamentary Affairs	05	05	05
(e) State Governments (including Governments of Union territories)	02	02	02
(f) State/Union territory Legislatures	02	02	02
(g) Dy. Director Acquisition Section, Parliament Library room No.FB-059, Parliament Library Building	05	05	05

* *No. of copies may be ascertained from the Lok Sabha /Rajya Sabha Secretariat/PIB before sending.*

While sending the copies to the Press Information Bureau, they should be informed that the annual reports should not be made public till they are circulated to the Members of Parliament.

7.2.5 In an election year, or otherwise, when instead of a regular General Budget, an interim budget seeking Vote on Account is presented before the two Houses of Parliament, Ministries/Departments may send prescribed number of copies of the Statement containing in brief the activities of the department for the preceding calendar year, to the LS/RS Secretariat immediately after presentation of the interim budget. In such a year, the annual report should contain information regarding the activities of the department from the 1 January of the preceding year till 31 March of the year in which Vote on Account is taken and the prescribed number of copies thereof (as in para 7.2.4) should be sent to various authorities after presentation of General Budget.

Annual reports of societies/organisations

7.2.6 The societies/organisations receiving one time assistance of Rs. 50 lakh or above are required to lay their Annual Reports and Audited Accounts before Parliament. In case of societies receiving one time assistance of Rs. 10 lakh and more but less than Rs. 50 lakh, the departments concerned are required to include in their own annual reports a statement showing the quantum of funds provided to each of these societies and purpose for which the funds were utilized, for the information of the Members of Parliament.

Role of Parliament Unit in regard to budgetary discussions in Parliament

7.3 To assist the Minister in replying to the various discussions that take place in both the Houses following the presentation of budget, the Parliament Unit will see that:

- (a) a concise brief on the broad lines to be indicated by the Joint Secretary/Secretary is prepared in advance giving the Minister a synoptic view of the working of the department to enable him to answer the criticism that might be voiced during the discussions;
- (b) standing notes on important topics which are prepared by each section are kept up to date for reference at short notice;
- (c) the department deputed, by rotation, an officer to be present in the official gallery to take note of the points, relevant to the department, made during the general discussion on budget and consideration of Finance and Appropriation Bills, so that action as required in para 2.9 is taken; and
- (d) the concerned branch officers and other higher officers are present in the

official gallery when the demands for grants for the departments are discussed.

Cut Motions

7.4 The admissibility of the cut motions is regulated by LSR 210, 211 and 212. On receipt of the notice of these motions, a suitable brief will be prepared on each of the more important of the specific points covered by the cut motions for the use of the Minister, to supplement the general overall brief already referred to in para 7.3 (a).

Chapter 8

Assurances

Definition

8.1 During the course of reply given to a question or a discussion, if a Minister gives an undertaking which involves further action on the part of the Government in reporting back to the House, it is called an 'assurance'. Standard list of such expressions which normally constitute assurances and as approved by the Committees on Government Assurances of the Lok Sabha and the Rajya Sabha, is given at [Annex 3](#). As assurances are required to be implemented within a specified time limit, care should be taken by all concerned while drafting replies to the questions to restrict the use of these expressions only to those occasions when it is clearly intended to give an assurance in these terms.

8.2 When an assurance is given by a Minister or when the Presiding Officer directs the Government to furnish information to the House, it is extracted by the Ministry of Parliamentary Affairs from the relevant proceedings and communicated to the department concerned normally within **20** working days of the date on which it is given.

Deletion from the list of assurances

8.3.1 If the administrative department has any objection to treating such a statement as an assurance or finds that it would not be in the public interest to fulfil it, it may write to the Lok/Rajya Sabha Secretariat direct with a copy to the Ministry of Parliamentary Affairs within a week of the receipt of such communication for getting it deleted from the list of assurances. Such action will require prior approval of the Minister.

8.3.2 Departments should make request for dropping of assurances to Lok Sabha/Rajya Sabha Sectt.as the case may be immediately on receipt of statement of assurances from the Ministry of Parliamentary Affairs and only in rare cases where they are fully convinced that the assurances could not be implemented under any circumstances and there is no option left with them but to make a request for dropping. Such requests should have the approval of their Minister and this fact should be indicated in their communication containing the request. If such a request is made towards the end of the stipulated period of three months, then it should invariably be accompanied with a request for extension of time. The department should continue to seek extension of time till a decision of the Committee on Government Assurances is received by them. Copy of the above communications should be simultaneously endorsed to the Ministry of Parliamentary Affairs.

Time limit for fulfilling assurance

8.4.1 An assurance given in either House is required to be fulfilled within a period of three months from the date of the assurance. This time limit has to be strictly observed.

Extension of time for fulfilling an assurance

8.4.2 If the department finds that it is not possible to fulfil the assurance within the stipulated period of three months or within the period of extension already granted, it may seek further extension of time direct from the respective Committee on Government Assurances under intimation to the Ministry of Parliamentary Affairs as soon as the need for such extension becomes apparent, indicating the reasons for delay and the probable additional time required. Such a communication should be issued with the approval of the Minister.

Registers of assurances

8.5.1 The particulars of every assurance will be entered by the Parliament Unit of the department concerned in a register as at [Annex 4](#) after which the assurance will be passed on to the concerned section.

8.5.2 Even ahead of the receipt of communication from the Ministry of Parliamentary Affairs, the section concerned should take prompt action to fulfil

such assurances and keep a watch thereon in a register as at [Annex 5](#).

8.5.3 The registers referred to in paras 8.5.1 and 8.5.2 will be maintained separately for the Lok Sabha and the Rajya Sabha assurances, entries therein being made session wise.

Role of Section
Officer and
Branch Officer

8.6.1 The Section Officer incharge of the concerned section will:

- (a) scrutinise the registers once a week;
- (b) ensure that necessary follow-up action is taken without any delay whatsoever;
- (c) submit the registers to the branch officer every fortnight if the House concerned is in session and once a month otherwise, drawing his special attention to assurances which are not likely to be implemented within the period of three months; and
- (d) review of pending assurances should be undertaken periodically at the highest level in order to minimise the delay in implementing the assurances.

8.6.2 The branch officer will likewise keep his higher officer and Minister informed of the progress made in the implementation of assurances, drawing their special attention to the causes of delay.

Procedure for
fulfilment of an
assurance

8.7.1 Every effort should be made to fulfil the assurance within the prescribed period. In case only part of the information is available and collection of the remaining information would involve considerable time, an implementation report containing the available information should be supplied to the Ministry of Parliamentary Affairs in part fulfillment of the assurance, within the prescribed time limit. However, efforts should continue to be made for expeditious collection of the remaining information for complete implementation of the assurance at the earliest.

8.7.2 Information to be supplied in partial or complete fulfilment of an assurance should be approved by the Minister concerned and 15 copies thereof (bilingual) in the prescribed proforma as at [Annex 6](#), together with its enclosures, along with one copy each in Hindi and English duly authenticated by the officer forwarding the implementation report, should be sent to the Ministry of Parliamentary Affairs. If, however, the information being furnished is in response to an assurance given in reply to a question etc., asked for by more than one member, an additional copy of the completed proforma (both in Hindi and English) should be furnished in respect of each additional member. A copy of this communication should be endorsed to the Parliament Unit for completing column 7 of its register.

8.7.3 The implementation reports should be sent to the Ministry of the Parliamentary Affairs and not to the Lok/Rajya Sabha Secretariat. No advance copies of the implementation reports are to be endorsed to the Lok/Rajya Sabha Secretariat either.

Laying of the
implementation
report on the
Table of the
House

8.8 The Ministry of Parliamentary Affairs, after a scrutiny of the implementation report, will arrange to lay it on the Table of the House concerned. A copy of the statement, as laid on the Table, will be forwarded by the Ministry of Parliamentary Affairs to the members as well as the department concerned. The Parliament Unit of the department concerned and the concerned section will, on the basis of this statement, make a suitable entry in their registers.

Obligation to lay a paper on the Table of the House vis-à-vis assurance on the same subject

8.9 Where there is an obligation to lay any paper (rule/order/notification, etc.) on the Table of the House and for which an assurance has also been given, it will be laid on the Table, in the first instance, in fulfilment of the obligation, independent of the assurance given. After this is done, a report in formal implementation of the assurance indicating the date on which the paper was laid on the Table will be sent to the Ministry of Parliamentary Affairs in the prescribed proforma ([Annex 6](#)) in the manner already described in para 8.7.2.

Committees on Government Assurances
LSR 323,324
RSR 211-A

8.10 Each House of Parliament has a Committee on Government assurances nominated by the Speaker/Chairman. It scrutinises the implementation reports and the time taken in the fulfilment of Government assurances and focuses attention on the delays and other significant aspects, if any, pertaining to them. Instructions issued by the Ministry of Parliamentary Affairs from time to time are to be followed strictly.

Reports of the Committees on Government Assurances

8.11 The departments will, in consultation with the Ministry of Parliamentary Affairs, scrutinise the reports of these two committees for remedial action wherever called for.

Effect on assurances on dissolution of the Lok Sabha

8.12 On dissolution of the Lok Sabha, all assurances, promises or undertakings pending implementation are scrutinised by the new Committee on Government assurances for selection of such of them as are of considerable public importance. The Committee then submits a report to the Lok Sabha with a specific recommendation regarding the assurances to be dropped or retained for implementation by the Government.

Chapter 9

Legislation

Department responsible for initiating legislation

9.1 Every proposal for legislation in Parliament will be initiated in the department to which the subject matter of the legislation relates.

Pre-drafting stage

9.2 Pre-drafting stage of a legislative proposal will fall into the following four broad sub-stages:

Formulation of legislative proposals

(a) The department concerned will formulate the legislative proposals in consultation with all the interests and authorities concerned, essentially from administrative and financial points of view. This should include a discussion on the necessity for the proposed legislation and all matters of substance to be embodied therein but not the technical details of the drafting.

Consultation with the Ministry of Law and Justice

(b) The department concerned will thereafter refer the matter to the Ministry of Law and Justice for advice as to its feasibility from legal and constitutional points of view. The Ministry of Law and Justice will, at this stage, advise generally on the necessity or desirability of such legislation in the light of the existing laws and also constitutional validity of the proposals without going into details.

Approval of the Cabinet

(c) If it is decided to proceed with the legislation, a self-contained note will be prepared by the department concerned in consultation with the Ministry of Law and Justice (Legislative Department) and other concerned departments.

(d) The department concerned will also send all the relevant papers to the Ministry of Law and Justice (Legislative Department) with an Office Memorandum indicating the precise lines on which it has been decided to legislate, to enable that department to take up drafting of the requisite Bill. The Office Memorandum will contain:

- (i) complete details of the legislative proposals;
- (ii) the entire background material (placed on the file for reference);
- (iii) all other details relevant to the proposed Bill; and
- (iv) Draft Note for the Cabinet.

The administrative department will not attempt a draft of the Bill.

Drafting stage

9.3 The Ministry of Law and Justice (Legislative Department) will then prepare a draft Bill ordinarily within thirty days from the date of receipt of the proposal after clearance from the Department of Legal Affairs, unless any clarifications are required or it is not possible to do so for contingencies such as the draftsman being busy with budget proposals etc., on the basis of the material made available by the concerned department, holding discussions with the officers of that department for getting various aspects of the Bill clarified, wherever considered necessary.

Format of the Bill

9.4 The format of the Bill shall be as below:

- (a) if the Bill contains more than 25 clauses, include in the beginning a table showing the arrangement of clauses; and
- (b) in the case of an amending Bill, contain relevant extracts of provisions of original Act sought to be amended.

Approval of the Cabinet

9.5 Once the Note for the Cabinet, as prepared in consultation with the Ministry of Law and Justice and other concerned departments, is finalised and the draft of the Bill prepared by the Ministry of Law and Justice (Legislative Department) is accepted after scrutiny by the department concerned, the department will send the Note to the Cabinet Secretariat for placing the same before the Cabinet for its consideration and approval. The Note for the Cabinet will:

- (a) state the legislative proposals, bringing out clearly the need, scope, and object of the proposed legislation;
- (b) incorporate the views of other concerned departments and be also shown to them, if so required by the procedure laid down by the Cabinet Secretariat;
- (c) set out all the implications of the proposed legislation; and
- (d) include the draft of the proposed Bill as Appendix II.

Action to be taken after Cabinet decision

9.6 After the Cabinet approval, the department concerned will examine the decision of the Cabinet to see whether any change is necessary in the draft Bill submitted to the Cabinet. If so, all the relevant papers including the decisions of the Cabinet will be sent to the Ministry of Law and Justice (Legislative Department) to enable that department to make necessary changes in the draft Bill in consultation with the concerned department in accordance with the decisions of the Cabinet. In case, however, no modifications are necessary in the Bill after the Cabinet approval, the department concerned will prepare:

PRO7.1
LSR65
RSR62
Notes on clauses

- (a) a Statement of Objects and Reasons relating to the Bill to be signed by the Minister;
- (b) notes on Clauses to be appended to the Statement of Objects and Reasons in case the Bill is of a complicated nature;
- (c) Financial Memorandum to be prepared in consultation with the Ministry of Finance, in respect of Bills involving expenditure, inviting particular attention to clauses involving expenditure and also giving an estimate of the recurring and non-recurring expenditure involved; and
- (d) a Memorandum regarding Delegated Legislation explaining the scope of the proposals and stating whether they are of a normal or exceptional character.

Financial Memorandum
PRO7.2, 7.3
LSR69
RSR64

Memorandum regarding Delegated Legislation
PRO 8.4 LSR 70
RSR 65

All the above documents will also be shown to the Ministry of Law and Justice (Legislative Department) before finalisation.

Obtaining
recommendation/
previous sanction
of the President
PRO 8.10
PRO 8.21 to 8.25

9.7.1 After action as in para 9.6 is taken, the department concerned will obtain :

(a) recommendation of the President for the introduction of any Bill:

(i) seeking the formation of new States or for the alteration of areas, boundaries or names of existing States (Article 3 of the Constitution); or

(ii) making provision for any of the matters specified in sub-clauses (a) to (g) of clause (1) of Article 110 of the Constitution in accordance with Article 117(1); or

(iii) imposing or varying any tax or duty in which States are interested (Article 274 of the Constitution); or

(b) the previous sanction of the President for introduction of any Bill, making provision for the language to be used, for any of the purposes mentioned in Article 348(1) of the Constitution; and

(c) the recommendation of the President for the consideration of the Bill, if it involves expenditure from the Consolidated Fund of India (Article 117(3) of the Constitution.)

PRO 8.22

Note : The recommendation mentioned in (c) above will be obtained separately in respect of each House.

9.7.2 For obtaining the recommendation or the previous sanction of the President, the department will submit through the Minister to the President a self contained note with a copy of the note for the Cabinet and its decision and a copy of the Bill.

PRO 8.23

9.7.3 The department will, thereafter, communicate the recommendation/previous sanction of the President to the Secretary General, Lok/Rajya Sabha in the form at [Annex 7](#).

9.7.4 To avoid objections of a procedural or constitutional nature, the department will submit to the Minister, information in the form at [Annex 8](#).

Keeping the
Ministry of
Parliamentary
Affairs informed

9.8 To enable the Ministry of Parliamentary Affairs to draw up the legislative programme of a session, detailed particulars about the Bill(s) proposed to be introduced during a session will be sent to that Ministry in Part I of the form given in [Annex I](#), at least a month before the commencement of the session.

House in which
Bill is to be
introduced

9.9 Bills which attract the provisions of Article 109 read with 110(1) and 117(1) of the Constitution will be introduced in the Lok Sabha. In the case of the other Bills, the House in which they are to be introduced will be decided in consultation with the Ministry of Parliamentary Affairs.

Printing of the Bill	<p>9.10.1 The Ministry of Law and Justice (Legislative Department) will send the Bill as finalised, to the Government of India Press for obtaining proof copy.</p>
PRO8.12	<p>9.10.2 The Ministry of Law and Justice (Legislative Department) will:</p> <p>(a) send simultaneously two proof copies each of English and Hindi versions of the Bill to:</p> <p style="padding-left: 40px;">(i) the Secretariat of the House in which it has been decided to introduce the Bill (vide para 9.9 above); and</p> <p style="padding-left: 40px;">(ii) the Ministry of Parliamentary Affairs; and</p> <p>(b) return the file to the department concerned.</p>
	<p>9.10.3 The Lok/Rajya Sabha Secretariat gets the fair copy of the Bill printed at every stage and sends a copy of it simultaneously to the administrative department and to the Legislative Department for scrutiny for ensuring accuracy. The administrative department, after scrutiny of the Bill, returns it within a day to the Legislative Department so as to enable the Legislative Department to incorporate corrections/suggestions, if any, and send a final scrutinised copy to the Lok/Rajya Sabha Secretariat.</p>
PRO 8.20	<p>9.10.4 The Lok/Rajya Sabha Secretariat gets fair copies of the Bill printed and circulated to the members.</p>
PRO 8.20	<p>9.10.5 Departments requiring additional copies of Bills should send a requisition in form S.99 to the LS/RS Secretariat so that it reaches it before the proof copy is transmitted by that Secretariat to the press.</p>
PRO 8.28	<p>9.10.6 A similar procedure will be followed for obtaining additional copies of reports of Select Committee/Joint Committee/Standing Committee on Bills. Requisitions, therefore, should be made sufficiently in advance of the date of presentation of the report.</p>
Procedure for introducing the Bill in the House	<p>9.11.1 The concerned department will send a notice of the motion for introduction of the Bill in the form at Annex 9, to the Secretary General, Lok/Rajya Sabha.</p>
SD 19A PRO 8.14	<p>9.11.2 Under the directions of the Speaker:</p> <p>(a) seven days' notice is normally required for introducing an official Bill in the Lok Sabha; and</p>
SD 19B PRO 8.13	<p>(b) no bill shall be included for introduction in the Lok Sabha until after copies thereof have been made available to members for at least two days before the day on which the Bill is proposed to be introduced.</p>

9.11.3 Where exemption is required from the direction 19A, the Minister, while giving full reasons, will request the Speaker to waive the requirement of this direction for introduction of the Bill. Where, however, the exemption is required from the direction 19B, the Minister while requesting the Speaker in this regard will also inform him that he has consulted the leaders of various parties in the Lok Sabha and that they have no objection to the exemption of the direction for introduction of the Bill. The department concerned will also forward 500 copies in English and 300 copies in Hindi of a memorandum in the form at [Annex 10](#), including one copy in each version duly authenticated by the Minister, to the Lok Sabha Secretariat for circulation among members.

9.11.4 On the date specified by the Ministry of Parliamentary Affairs, the Bill is put down for introduction in the Lok/Rajya Sabha and is thereafter published in the Gazette of India by the LS/RS Secretariat.

Publication before
introduction
PRO 8.7
LSR 64
RSR 61

9.11.5 On a request made by the Minister, the Speaker/Chairman may permit the publication of the Bill in the gazette by the LS/RS Secretariat before its introduction. In such cases, the Bill will be put down for introduction without asking for the leave of the House. Where, however, such a Bill undergoes any change before its formal introduction, the procedure as in sub-para 9.11.1 will be followed.

LSR 331
RSR 270

9.11.6 The departmentally related Parliamentary Standing Committees examine such Bills as are referred to these committees by the Chairman, Rajya Sabha or the Speaker, Lok Sabha, as the case may be, and make reports thereon. Normally, Bills other than the Appropriation Bills, Finance Bills, Bills seeking to replace Ordinances and Bills of trivial nature, are referred to the respective Standing Committees ([Annex 23b](#)) for their examination and report. The Standing Committees may present their reports on the Bills in the subsequent Parliament session and sometimes, may take even longer, to present their reports. Where, however, there is urgency in enacting the legislation, the Minister concerned, while giving the reasons therefor, under intimation to the Minister of Parliamentary Affairs, may request the Presiding Officer of the House in which the Bill was introduced not to refer the Bill to the Standing Committee so that it could be considered and passed by the Houses during the ongoing Parliament Session.

9.11.7 In case of Bills referred to Standing Committees for examination, the department concerned may examine the report of the committee when it is presented to the Houses or to the Presiding Officers. Where the department decides, with the approval of its Minister, to affect change(s) in the provisions of the Bill as introduced in the House, on the basis of recommendations of the committee, it may obtain the approval of the Cabinet to the amendments proposed to be made in the Bill. After Cabinet approval, notice of motion of amendments to be moved by the Minister in the House should be finalised in consultation with the Ministry of Law and Justice (Legislative Department). The notice of motion of amendments so finalised along with the notice for consideration and passing of the Bill, duly signed by the Minister, should then be sent to the Secretary-General of the concerned House under intimation to the Ministry of Parliamentary Affairs and the Ministry of Law and Justice (Legislative Department).

Motions after
introduction
LSR 74
RSR 69

9.12 After the Bill is introduced, the Minister may send to the Secretary-General, Lok/Rajya Sabha, notice in the appropriate form at [Annex 11,12,13, 14](#) of his intention to move:

- (a) that it be taken into consideration and passed; or
- (b) that it be referred to a Select Committee of the House; or
- (c) that it be referred to a Joint Committee of both Houses with the concurrence of the other House [except in the case of Bills referred to in para [9.7.1](#) (a)(ii)]; or
- (d) that it be circulated for eliciting public opinion.

Withdrawal of a
Bill
LSR 110
RSR 118
SD 36
PRO 8.33

9.13 If it becomes necessary at any stage to withdraw a Bill, the Ministry of Law and Justice and the Ministry of Parliamentary Affairs will be consulted and approval of the Cabinet will be obtained. Where, however, for want of time, it is not possible to obtain prior approval of the Cabinet, the Minister incharge will take a decision in consultation with the Prime Minister. As soon as possible thereafter, a note in the usual form will be submitted for *ex post facto* approval of the Cabinet. The form of notice of withdrawal will depend on the stage at which the Bill is, and whether it has been passed by one House and pending before the other House. The forms at [Annex 15](#) and [16](#), as may be appropriate, will be used for the purpose. A statement giving reasons for the withdrawal will also be sent to the LS/RS Secretariat at least five days before the date on which the motion for withdrawal is to be made. The number of copies to be sent for circulation will be 650 in English and 350 in Hindi for the Lok Sabha. For the Rajya Sabha they will be as in para 4.1.

Composition of the Select/Joint Committee

9.14.1 The strength of the Select/Joint Committee as also the date by which it will submit its report will be indicated by the concerned department and the names of the members to be appointed on the committee will be suggested by the Ministry of Parliamentary Affairs. These details will be incorporated in the body of the motion in the form at [Annex 12](#) or [13](#). On this motion being passed by one House a concurrence motion in the form at [Annex 17](#) will be moved by the Minister in the other House, if the bill is proposed to be referred to a Joint Committee.

LSR 299
RSR 76

9.14.2 After the committee is constituted, its chairman is nominated by the Speaker/Chairman. All matters connected with the meetings of the Select/Joint Committee are looked after by the LS/RS Secretariat. A Minister, even though he is not a member of a committee, may address the committee with the permission of the Chairman.

Amendments to Bills before Select/Joint Committee
PRO 8.26

9.14.3 All notices of government amendments to the Bills referred to Select/Joint Committee will be drafted by the Ministry of Law and Justice (Legislative Department). Notices of such amendments will be given by a Minister who is a member of the committee, in the form at [Annex 18](#) to the LS/RS Secretariat, at least a day before the day of sitting at which the amendments are to be moved.

Procedure when a Bill is to be circulated for public opinion
SD 20-23

9.15 When a Bill is to be circulated for eliciting public opinion, necessary action is taken by the LS/RS Secretariat, which also addresses the State governments.

Procedure after presentation of the report of Select/Joint Committee
LSR 77
RSR 93

9.16 After presentation of the report of the Select/Joint committee to the House, the Minister in charge may give notice of his intention to move that the Bill as reported by the Select/Joint Committee :

- (a) be taken into consideration and be passed; or
- (b) be recommitted to the same committee or another committee; or
- (c) be recirculated for obtaining further public opinion.

9.17 When the motion that:

- (a) the Bill be taken into consideration; or
- (b) the Bill as reported by the Select/Joint Committee be taken into consideration is carried, the Bill will be taken up for clause-by-clause consideration. Members can, at that stage, move amendments to the Bill.

Amendments

9.18.1 Copies of amendments given notice of by members are sent by the LS/RS Secretariat to the department concerned. When they are received, the branch officer will put them up with briefs for use of the Minister for determining the Government's attitude to them.

9.18.2 Government amendments will also be moved at this stage. These amendments, for which the form at [Annex 19](#) will be used, will be drafted by the Ministry of Law and Justice (Legislative Department).

9.18.3 Amendments falling within Articles 117(1) and 274 of the Constitution are subject to the same restrictions in regard to the recommendation or the previous sanction of the President as Bills falling within those articles (vide para 9.7.1) except when the amendments falling within Article 117(1) involve reduction or abolition of any tax.

Cabinet Sectt.
O.M.No.11/1/4/72-
CF dt.1-11-72

9.18.4 Time permitting, proposals to amend the provisions of a Bill will be submitted to the Cabinet for approval. Where, however, for want of time, this is not possible, the Minister in charge will take a decision in consultation with the Prime Minister. As soon as possible thereafter, a note in the usual form will be submitted for *ex post facto* approval of the Cabinet.

Scrutiny by
Ministry of Law &
Justice
PRO 8.29
SD 34

9.19 After a Bill is passed by a House:

- (a) a copy of the Bill, as passed is sent by the LS/RS Secretariat to the Ministry of Law and Justice (Legislative Department) for scrutiny with a view to correcting patent errors and for making such other changes as are consequential to the amendments accepted by the House; and
- (b) such changes as are accepted by the Speaker/Chairman are incorporated in the Bill, before it is transmitted to the other House for concurrence.

Consideration of
the Bill in the
other House
LSR 115
RSR 122

9.20.1 After the Bill is laid on the Table of the other House, the Minister concerned will give notice of a motion in the form at [Annex 20](#) to the Secretary-General of the House and also communicate the recommendation of the President, wherever necessary.

Consequential
revision of the
Financial
Memorandum and
the one on
delegated
legislation
PRO 8.2 to 8.5

9.20.2 In the case of a Bill passed by one House with amendments, the department concerned will determine whether any consequential changes are required in the Financial Memorandum and/or Memorandum regarding Delegated Legislation. If any change is required, a letter will be sent in the form at [Annex 21](#), signed by the Minister-in-charge of the Bill, addressed to the Secretary-General, Lok/Rajya Sabha forwarding revised memoranda, which will be prepared in consultation with the Ministry of Finance/Ministry of Law and Justice (Legislative Department), as may be appropriate.

Further scrutiny by
Ministry of Law
and Justice and
assent of the
President

9.21 After the Bill is passed by both the Houses:

- (a) a copy is sent by the LS/RS Secretariat to the Ministry of Law and Justice (Legislative Department) as envisaged in para 9.19 for scrutiny and correction of patent errors, etc.

SD 34

(b) on its return from the Ministry of Law and Justice, it will be reprinted by the LS/RS Secretariat with the superscription “as passed by the Houses of Parliament.”

LSR 128
RSR 135

(c) the LS/RS Secretariat will send to the Secretary to the President, through the Ministry of Law and Justice (Legislative Department), two copies of the Bill together with five spare copies;

PRO 8.32

(d) whenever the President’s assent is required by a particular date, the LS/RS Secretariat, the Ministry of Law and Justice (Legislative Department) and the Ministry of Parliamentary Affairs will be advised well in advance by the department concerned. The Ministry of Law and Justice (Legislative Department) will keep in touch with the President’s Secretariat for the purpose; and

(e) the date of assent which is the date on which the Bill becomes an Act, is intimated to the concerned Department and the Ministry of Parliamentary Affairs by the Ministry of Law and Justice (Legislative Department). One copy of the Act bearing the President’s signature is retained in the Ministry of Law and Justice (Legislative Department) and the other copy returned to the LS/RS Secretariat. The President’s Secretariat retains one spare copy.

Publication in the
official gazette

9.22 The Ministry of Law and Justice (Legislative Department) will:

(a) publish the Act in the Gazette of India Extraordinary;

(b) forward copies of the Act to all State governments for publication in their official gazettes; and

Printing of copies
of Act for sale

(c) get copies of the Act printed in a suitable form for sale to the general public.

Procedure
regarding private
Member’s Bill

9.23.1 Whenever a private Member of Parliament gives notice of his desire to move for leave to introduce a Bill, the LS/RS Secretariat sends a copy of the notice together with a copy of the Bill to the concerned department.

9.23.2 The department concerned will consult the Ministry of Law and Justice as to the competence of Parliament to enact the measure.

9.23.3 The policy of the Government in relation to the Bill will be officially settled in the concerned department with the approval of Cabinet Committee on Parliamentary Affairs. The provisions of paras 5.8.3 and 5.8.4 will *mutatis mutandis* apply.

9.23.4 The President's recommendation required under clause (1) and/or (3) of Article 117 of the Constitution for the introduction/consideration of private members' Bills will ordinarily be granted unless very exceptional circumstances especially warrant withholding of the President's recommendation. In case a department feels that the recommendation of the President to a Bill should be withheld, that department will supply five copies of the brief explaining the circumstances leading to such proposal to the Ministry of Parliamentary Affairs for obtaining the approval of the Cabinet Committee on Parliamentary Affairs.

Ordinances

9.24.1 The procedure applicable to Bills will apply *mutatis mutandis* to promulgation of Ordinances under Article 123(1) of the Constitution.

9.24.2 After the terms of a draft Ordinance have been settled in consultation with the department concerned, the Ministry of Law and Justice (Legislative Department) will submit through the Minister of the concerned department and the Prime Minister, for the signature of the President, a copy of the Ordinance together with:

- (a) a spare copy of the Ordinance;
- (b) a copy of the Note for the Cabinet; and
- (c) a copy of the decision of the Cabinet relating to the Ordinance.

9.24.3 The concerned administrative department will inform the Legislative Department the date and time at which they had delivered the Ordinance to the President's Secretariat.

9.24.4 The Ministry of Law and Justice (Legislative Department) will:

- (a) get the Ordinance published in the Gazette of India Extraordinary;
- (b) inform the department concerned and the Ministry of Parliamentary Affairs as to the promulgation of the Ordinance; and
- (c) forward copies thereof to all the state governments for publication in their official gazettes.

Post-promulgation action

9.25 As soon as the Ordinance is promulgated, the following action will be taken:

- (a) The Ministry of Law and Justice (Legislative Department) will supply to the Ministry of Parliamentary Affairs seventy-five copies each of Hindi and English versions of the Ordinance for being laid on the Table of the Houses.
- (b) The department concerned will indicate to the Ministry of Parliamentary Affairs whether it is proposed to replace the Ordinance by an Act of Parliament.
- (c) In case it is decided to replace the Ordinance by an Act of Parliament, the concerned department will keep ready a Bill relating thereto for introduction as far as possible on the opening day of the session.

LSR 71
RSR 66

(d) The concerned department will take steps to prepare in consultation with the Ministry of Law and Justice (Legislative Department), a statement explaining the circumstances which necessitated legislation by Ordinance. This statement will be laid on the Table of the House at the time of introduction of the Bill seeking to replace the Ordinance. The statement will also be circulated to the members. The number of the copies for the purpose will be as in para 4.1(c).

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RSR 66

(e) Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated, the concerned department will lay on the Table of each House, at the commencement of the session following the promulgation of the Ordinance, a statement prepared in consultation with the Ministry of Law and Justice (Legislative Department) explaining the circumstances which had necessitated immediate legislation by Ordinance.

Legislation in
respect of Union
territories

9.26.1 Article 246(4) of the Constitution vests Parliament with powers to legislate on any matter in relation to the Union Territories listed in the First Schedule to the Constitution.

9.26.2 Of the various Union Territories:

- (a) Puducherry has a Legislative Assembly under the Government of Union Territories Act, 1963, with powers to legislate on matters specified in List II (State List) and List III (Concurrent List) in so far as any such matter as applicable in relation to Union Territories;
- (b) The Union Territories of the Andaman and Nicobar Islands, Chandigarh, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep have an Advisory Committee each, set up by the Ministry of Home Affairs;
- (c) The National Capital Territory of Delhi has a Legislative Assembly under Article 239 AA of the Constitution of India read with the Government of National Capital Territory of Delhi Act, 1991, with powers to legislate on matters specified in List II (State List) or in List III (Concurrent List) in so far as any such matter is applicable to Union Territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.

Parliamentary
legislation for
Union Territories

9.27.1 Proposals for parliamentary legislation for the Union Territories will be initiated by the department concerned, which will consult:

- (a) the Ministry of Home Affairs on the desirability of undertaking the proposed legislation and the principles involved therein, including the substance of the more important provisions thereof; and
- (b) the Ministry of Law and Justice (Department of Legal Affairs) from the constitutional and legal points of view.

9.27.2 Thereafter the department concerned will:

- (a) consult other departments concerned with any aspect of the subject matter of the legislation;
- (b) refer the matter to the Ministry of Law and Justice (Legislative Department) for preparing a draft Bill;
- (c) send the Bill where the matter relates to entries in List II (State List) or List III (Concurrent List) to the Ministry of Home Affairs for obtaining the views of the Advisory Committee concerned, if it relates to a Union Territory having such a Committee.

9.27.3 Thereafter the department concerned will take steps to obtain the approval of the Cabinet and introduce the proposed legislation in Parliament in accordance with the procedure already described in this chapter for central legislation.

9.28.1 Section 3 of the Government of Union Territories Act, 1963, provides for constitution of a Legislative Assembly in the Union Territory of Puducherry. The Rules of the Business of the said Union Territory of Puducherry provide that the administrator shall refer for prior approval to the Central Government, every Bill which:

- (a) if passed by the Legislative Assembly, is required to be reserved for the consideration of the President under section 21 or section 25 of the said Act;
- (b) relates to any matter enumerated in List III (Concurrent List);
- (c) attracts the provisions of Article 304 of the Constitution as applicable to the Union territories;
- (d) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Union Territory or abandonment of revenue or lowering of the rate of any tax;
- (e) pertains to any matter relating to universities; and
- (f) affects or is likely to affect the interests of any minority community, Scheduled Castes or Scheduled Tribes.

9.28.2 References relating to prior approval to such Bills will:

- (a) except in regard to para 9.28.1(c) above, be dealt with in the Ministry of Home Affairs; and
- (b) in regard to para 9.28.1(c), be dealt with in the Department of Commerce in consultation with the Ministry of Home Affairs.

In all cases, these references will be dealt with in consultation with the other departments concerned and the Ministry of Law and Justice.

9.29.1 Section 3 of the Government of National Capital Territory of Delhi Act, 1991, provides for constitution of a Legislative Assembly in the National Capital Territory of Delhi. The transaction of Business of the Government of National Capital Territory of Delhi Rules provide that the Lieutenant Governor shall refer to the Central Government every Bill which:

- (a) if passed by the Legislative Assembly, is required to be reserved for consideration of the President under the proviso to sub-clause (c) of clause (3) of Article 239AA or, as the case may be, under the second proviso to section 24 of the Act;
- (b) attracts provisions of Articles 286, 287, 288 and 304 of the Constitution as applicable to the Capital; and
- (c) relates to any matter which may ultimately necessitate additional financial assistance from the Central Government through substantive expenditure from the Consolidated Fund of the Capital or abandonment of revenue or lowering of rate of any tax.

9.29.2 Subject to any instructions which may be issued from time to time by the Central Government, the Lieutenant Governor shall make a prior reference to the Central Government in the Ministry of Home Affairs or to the appropriate Ministry with a copy to the Ministry of Home Affairs in respect of the following matters:

- (i) proposals affecting relations of Central Government with any State government, the Supreme Court of India or any other High Court;
- (ii) proposals for the appointment of Chief Secretary or Commissioner of Police, Secretary (Home) and Secretary (Lands);
- (iii) important cases which affect or are likely to affect peace and tranquility of the National Capital Territory; and
- (iv) cases which affect or are likely to affect the interests of any minority community, the Scheduled Castes/Scheduled Tribes or Backward Classes.

9.29.3 References relating to prior approval to such Bills will:

- (a) except in regard to para 9.29.1(c) above, be dealt with in the Ministry of Home Affairs; and
- (b) in regard to para 9.29.1(c), be dealt with in the Department of Commerce in consultation with the Ministry of Home Affairs.

In all cases, these references will be dealt with in consultation with the other Departments concerned and the Ministry of Law and Justice.

9.30 All references relating to Bills passed by the Legislative Assemblies of the Union Territory of Puducherry and the National Capital Territory of Delhi and reserved by the Administrator for consideration of the President, will be dealt with in the Ministry of Home Affairs who will submit such Bills to the President after consulting the Ministry of Law and Justice and other departments concerned.

Ordinances

9.31 In every case in which the Lt. Governor of the Union Territory of Puducherry and the Lieutenant Governor of the National Capital Territory of Delhi is empowered to promulgate Ordinances (Article 239B of the Constitution in the case of Pondicherry and Article 239AA(8) read with Article 239B in the case of NCT of Delhi), prior instructions of the President have to be obtained. The procedure indicated in paragraphs 9.28 and 9.29 above, in regard to Bills will, with necessary changes, apply to obtaining such prior instructions.

Extension of enactments

9.32 Under the provisions** of the relevant sections of the enactments relating to the Union Territories, the Central Government is competent to extend, by notification, any enactment in force in a State to the Union Territories of (a) Chandigarh, (b) Dadra and Nagar Haveli, (c) Delhi, (d) Daman and Diu, and (e) Puducherry. All proposals for such extension will be dealt with in the Ministry of Home Affairs who will examine them in consultation with the Ministry of Law and Justice, other departments concerned and also the Administration of the concerned Union Territory if considered necessary.

Regulations

9.33.1 Article 240 of the Constitution empowers the President to make Regulations for the peace, progress and good governance of the Union territories of (a) Andaman and Nicobar Islands, (b) Dadar and Nagar Haveli, (c) Daman and Diu, (d) Lakshadweep, and (e) Pondicherry. However, in the case of Union Territory of Pondicherry, this power is available only when the Legislative Assembly of Pondicherry is dissolved or its operation is suspended.

9.33.2 The Ministry of Home Affairs shall initiate the proposals for promulgation of Regulations in consultation with the Ministries administratively concerned with the subject matter of the Regulation. After the Regulation is approved by the Cabinet, it is finalised by the Legislative Department and submitted to the President through the Minister of Home Affairs.

*** (i) Section 87 of the Punjab Reorganisation Act, 1966 in the case of Chandigarh.*

(ii) Section 10 of the Dadra and Nagar Haveli Act, 1961 in the case of Dadra and Nagar Haveli.

(iii) Section 2 of the Union Territories (Laws) Act, 1950 in the case of Delhi.

Chapter 10

Legislation in respect of States Under the President's Rule

Introduction	<p>10.1 Article 356 of the Constitution provides that the President may in certain situations take over, by Proclamation, the administration of a State whereby the powers of Legislature of the State are exercisable:</p> <ul style="list-style-type: none">(a) by Parliament; or(b) under the authority of Parliament (in terms of Article 357 of the Constitution).
Procedure for legislation by Parliament	<p>10.2 Where the powers of the Legislature of a State are exercisable by Parliament [vide para 10.1(a)], the legislative proposals may be sponsored by:</p> <ul style="list-style-type: none">(a) the department concerned at the Centre;<li style="text-align: center;">or(b) the concerned State Government. <p>In both these cases, the concerned department will consult the Ministry of Home Affairs, and in regard to (a) above, also the State Government concerned, at the earliest stage. Thereafter, the procedure for enacting the legislation will, with appropriate changes, be the same as described in Chapter IX for Central Legislation. The instructions issued from time to time by the Ministry of Home Affairs in this regard will also be observed.</p>
Procedure for legislation by the President	<p>10.3 Where the power to legislate has been delegated by Parliament to the President (vide para 10.1(b) above), the procedure as described hereafter in this chapter will be followed.</p>
Sponsoring legislative proposals	<p>10.4 Legislative proposals can be sponsored:</p> <ul style="list-style-type: none">(a) either <i>suo moto</i> by the department concerned at the Centre; or(b) by the State Government concerned.
Proposals sponsored by the Central Government	<p>10.5.1 In regard to para 10.4(a) above, the department concerned will consult at the earliest stage:</p> <ul style="list-style-type: none">(a) other departments concerned with any aspect of the matter;(b) the Ministry of Home Affairs; and(c) the State Government concerned. <p>10.5.2 Thereafter the same procedure will be followed as for central legislation up to the stage of introduction of a Bill in either House, except that the approval of the Cabinet will be taken after finalisation of the draft Bill as envisaged in para 10.7 and not earlier.</p>

Proposals sponsored
by
State Governments

10.6.1 Where the State Government concerned sponsors the legislative proposals, it will send them to the department concerned at the Centre, endorsing copies to the Ministries of Home Affairs and Law and Justice (Legislative Department) accompanied by:

- (a) a draft Bill;
- (b) a detailed note in the nature of a note for the Cabinet;
- (c) a statement of reasons for enactment, signed by the Secretary of the department concerned;
- (d) a note on financial implications; and
- (e) copies of the parent Act or extracts of relevant sections in the case of amending Bills.

Scrutiny by
administrative
department

10.6.2 The department concerned will thereafter:

- (a) examine the Bill and determine its necessity and urgency in consultation with the State Government, Ministry of Home Affairs and other concerned departments at the Centre;
- (b) refer it to the Ministry of Law and Justice; and
- (c) consult again the State Government concerned before making any change, where changes are necessary as a result of the advice of the Ministry of Law and Justice or any other department [vide (a) and (b) above].

Obtaining approval
of the Cabinet

10.7 On finalisation of the Bill in the manner envisaged in paras 10.5 and 10.6 above, the department concerned will obtain the approval of the Cabinet to the proposed legislation.

Circulation of Bill to
Consultative
Committee

10.8 If in terms of the law delegating the powers to the President, it is necessary to consult any committee constituted for the purpose, the concerned department will supply to the Ministry of Home Affairs:

- (a) 150 copies of the Bill in Hindi and English and other relevant documents, including an explanatory memorandum for the information of members of the committee; and
- (b) 15 copies of a detailed brief for use of the Ministry of Home Affairs.

After the proposal is considered by the Consultative Committee, the Ministry of Home Affairs will inform the department concerned and the Ministry of Law and Justice (Legislative Department) regarding further action to be taken.

Further action by
department
concerned

10.9 If any changes, other than those of a purely routine or technical nature, in the proposed legislation are considered necessary, consequent on the deliberations of the committee, the concerned department will obtain the approval of the Cabinet. After the Bill is finalised, it will be sent to the Ministry of Law and Justice (Legislative Department) along with the reasons for enactment, duly signed by the Secretary of the department concerned.

Action by Ministry of Law and Justice

10.10 The Ministry of Law and Justice (Legislative Department) will take steps to obtain the assent of the President to the Bill and for publication of the Act in the Gazette of India and the official gazette of the State.

Acts to be laid on the Table of each House

10.11 The department concerned will take steps to lay all such Acts on the Table of each House of Parliament as soon as may be, after their enactment, under intimation to the Ministry of Law and Justice (Legislative Department), the Ministry of Home Affairs and the State Government concerned. If, in accordance with the provisions of the relevant Delegation of Power Act, the Houses of Parliament direct any modification to be made in the Act, the department concerned will take all steps to give effect to the modification by enacting an amending Act by the President.

Statutory Rules, Orders etc. MHA No.36/30/RS/73/poll (k)dt.7-3-73 and MHA No. 48/1/HR/73/poll(k) dt. 31-7-73

10.12 The statutory rules, orders, etc., which are statutorily required to be laid by the State Government before the State Legislature, will, in the case of States under the President's Rule, be laid before Parliament. For this purpose, the administrative departments concerned at the Centre will:

(a) obtain from the State Government concerned:

(i) 45 copies of the relevant rules, orders, etc., notified by them in their official gazette; and

(ii) where the time limit set down in this behalf in para 11.5.1 in respect of subordinate legislation for the Centre, cannot be observed, a statement explaining the delay; and

(b) lay the rules etc., on the Tables of both Houses of Parliament, following the procedure prescribed in this behalf in Chapter XI.

Chapter 11

Subordinate Legislation

Introduction

11.1.1 The Constitution of India as well as Laws made by Parliament usually vest the powers in the Government to make and notify in the Gazette of India, rules, regulations, bye-laws etc., to subserve the objectives behind the main legislation, but within their broad framework. As these rules etc., are statutory in character, they come within the scope of what is termed as 'Subordinate Legislation'.

11.1.2 The department concerned will frame the rules etc., and refer them to the Ministry of Law and Justice who will vet them from constitutional, legal and drafting point of view.

11.1.3 To facilitate speedier disposal of cases and avoid unnecessary correspondence, departments may ensure fulfilment of the points given in the checklist below, before referring the cases relating to Subordinate Legislation to the Ministry of Law and Justice:

CHECKLIST

- (i) As regards Principal rules, regulations, orders etc.:
 - (a) consultation with the authorities which are required to be consulted have been made by the administrative department;
 - (b) where rules, etc., are to have effect retrospectively (in cases where parent Act or the Constitution empowers retrospective operation), an explanatory memorandum has been added in the form of a note explaining that the interests of no person shall be adversely affected by such retrospective effect;
 - (c) where existing rules etc., are sought to be superseded or repealed, up-to-date copies of such rules, etc. are placed on the file for reference.
 - (d) approval of authorities competent to approve such proposal has been obtained.

- (ii) As regards amending rules, regulations, orders etc.:
 - (a) up-to-date copies of the principal rules or copies of such rules along with subsequent amendments, are placed on the file for reference;
 - (b) footnote indicating the gazette references of the principal rules and all subsequent amending rules is appended to the draft;
 - (c) approval of authorities competent to approve such proposal has been obtained;
 - (d) where rules, etc., are to take effect retrospectively (in cases where parent Act or the Constitution empowers retrospective operation), an explanatory memorandum has been added in the form of a note explaining that the interests of no person shall be adversely affected; and
 - (e) consultation with the authorities which are to be consulted have been made.
- (iii) As regards rules, etc., to be finally published after they have been previously published for general information, the preamble to the draft should contain:
 - (a) the notification number with which the draft has been published and the date of the gazette in which the draft rules were published;
 - (b) the date on which the gazette copies containing the draft rules were made available to the public;
 - (c) the last date fixed for receipt of public comments;
 - (d) all references made to the department should be accompanied with a self-contained note explaining the proposal; and
 - (e) in time-bound cases the administrative department should specifically indicate the same by some method in the file itself. Those cases, wherever possible, may be settled after discussion by an officer of appropriate level with the concerned legislative counsels.

Procedure where pre-publication of rules etc. is required

11.2 Where an Act requires previous publication of rules, etc., made thereunder, the department concerned will:

- (a) frame the draft rules in consultation with the Ministry of Law and Justice;
- (b) get them published in the official gazette inviting objections and suggestions within a specified period of 30 days;
- (c) if suggestions have to be obtained from interests concerned who are likely to be affected by the legislation, attempt should be made to get their comments at the earliest by sending registered letters to them and, if necessary, by publication of the draft rules in the national or regional press/newspapers;
- (d) on expiry of the specified period of 30 clear days, which will be reckoned from the date on which the gazette is made available for sale to the public, consider the objections and suggestions received;
- (e) if the suggestions/objections received are large, the final rules should be notified within a period of six months from the last date of receiving the comments. If no objections/suggestions are received or the number of objections etc., so received is also small, the rules should be finally notified within a period of 3 months; and
- (f) finalise the rules in consultation with the Ministry of Law and Justice, where modifications are involved.

Time limit for framing rules. Cabinet Secretariat O.M.No.6/1/13/71-CF dt 25-8-71

11.3.1 Statutory rules, regulations and bye-laws will be framed within a period of six months from the date on which the relevant statute came into force. Cases in which, for any reasons, this is not possible, will be brought to the notice of the Secretary and the Minister at the earliest possible stage.

11.3.2 In case the departments are not able to frame the rules within the prescribed period of six months, they should seek extension of time from the Committee on Subordinate Legislation stating reasons for such extension; such extension being not more than for a period of three months at a time. The request should be made after obtaining the approval of the Minister.

Notifying the rules etc. in the gazette

11.4 After the rules, etc., are finalised, steps will be taken by the department concerned to publish them in the gazette and, where the Act provides for it, to lay them on the Table of each House. The procedure to be followed in this regard has been described in para 11.5.

Laying of rules etc. on the Table of each House

11.5.1 After publication, the rules, etc., will be laid on the Table of the House as soon as possible and, in any case, within a period of 15 days (30 days in case of notifications relating to a state under the President's rule), reckoned from:

- PRO 6.15 (a) the date of their publication in the official gazette if the House is in session; or
- PRO 6.15 (b) the date of commencement of the next session, if the House is not in session.

PRO 6.1(c) **11.5.2** An authenticated copy of the rules, etc., will be sent to the LS/RS Secretariat for being laid on the Table of the House together with a statement containing the following information:

- (a) brief purport;
- (b) name of the Act and number of the Section under which the paper is to be laid;
- (c) 'G.S.R.' or 'S.O.' number of the notification and the number of part and section of the gazette in which published;
- (d) date of publication in the gazette;
- (e) date on which it is proposed to be laid;
- (f) whether under the Act, the rules, etc., are subject to modification by the House;
- (g) period for which they are required to be laid before the Houses; and
- (h) reasons for delay, if undue delay has taken place to lay them on the Table of the House.

11.5.3 In case the delay is anticipated in getting printed copies of the rules, etc., from the press, cyclostyled/photo copies will be laid on the Table of the House within the prescribed time limits.

11.5.4 To avoid delay in the printing of the material relating to subordinate legislation, departments may ensure that the following formalities are complete in all respects:

- (i) The department should send the notification containing rules, etc., required to be published by a particular date in the weekly/Extraordinary Gazette with a covering demi-official letter addressed to the manager of the press, clearly indicating the date on which it is to be published either in the Extraordinary Gazette or date of the weekly gazette.
- (ii) Reasonable time, as far as possible, should be allowed to the press to publish notifications relating to Rules which are of a bulky nature.
- (iii) The number of spare copies required by the department should be clearly indicated in the demi-official letter and in the printing requisition.
- (iv) As per the Directorate of Printing's revised instructions regarding printing and distribution of the gazette issued vide their O.M. No. O. 17034/1/83-P(III), dated 2-9-85, all notifications received by the press up to 13.00 hours on Tuesday will be printed in the same week's gazette of Saturday.

11.5.5 The period for which such rules should remain laid on the Table of each House is prescribed by the Act. For deciding the dates on which the papers sent by them were actually laid on the Table of the House, the Bulletin Part I will be consulted. In case Hindi and English versions of such rules, etc., are laid on the Table of the Houses on different dates, the statutory period for which the rules, etc., are required to be laid will be calculated from the later of the two dates.

Relaying of
the rules etc.
on the Table
of the House

PRO 6.11,
6.12 LSR 234

11.6.1 After the termination of each session, the department will examine the rules, etc., laid on the Table of each House to see whether the prescribed period for which they were to be laid has been completed. If not, an intimation stating the date (which should be, as far as possible, the first day of the following session allotted to the department concerned) for relaying should be furnished to the LS/RS Secretariat at least 3 clear days before the date on which it is to be re-laid. Such rules etc., when re-laid, need not be accompanied by authenticated or spare copies, unless there has been a change in the incumbency of the Minister who had laid it in the House earlier.

PRO 6.13

11.6.2 In the event of the dissolution of the Lok Sabha before the expiry of the full period prescribed, the concerned rule, etc., will be laid afresh in the new Lok Sabha for the full prescribed period.

Amendment
to rules etc.
laid on the
Table of the
House
LSR 235

11.7.1 After the notifications regarding rules, etc., are laid on the Table of the House, any member may give notice of an amendment thereto.

11.7.2 On receipt of a notice for amendment of the rules, etc., the Parliament Unit will immediately bring it to the notice of the Joint Secretary incharge of Parliament Section in the department concerned, who will:

- (a) put it up immediately for obtaining the orders of the Minister for arranging a discussion of the matter in Parliament before the expiry of the statutory period provided for modification by Parliament;
- (b) settle with the Ministry of Parliamentary Affairs the date to be fixed for the debate; and
- (c) submit a brief for use of the Minister during the discussion.

11.7.3 Where a motion to amend the rules, etc., is carried in one House, it is transmitted to the other House by the LS/RS Secretariat. When it is carried in the other House also, the department concerned will take steps to amend the rules, etc., notify them in the official gazette and lay them on the Table of each House vide para 11.5.1.

11.7.4 (i) Where the parent Act provides that the rules, etc., framed thereunder will come into force after the approval of the Parliament, the department will address a motion in the prescribed form ([Annex 22](#)) to the Secretary-General, Lok/Rajya Sabha, under intimation to the Ministry of Parliamentary Affairs. The date for discussion of such a motion will be settled by the Ministry of Parliamentary Affairs in consultation with the department concerned. In such a case, a brief will also be prepared for the use of the Minister.

Giving
retrospective
effect to rules

(ii) In cases where the parent Act provides for giving of retrospective effect, the rules framed thereunder should be accompanied by an explanatory note setting out therein the reasons and circumstances which necessitated the giving of such retrospective effect. The note should also indicate that the interests of no one will be prejudicially affected by giving retrospective effect. In cases where the parent Act does not provide for giving retrospective effect but retrospective effect is proposed to be given due to unavoidable circumstances, prior action should be taken to clothe it with legal sanction for the purpose.

M.P.A. O.M.
No.32(57)/73
-R&C dt. 22-
9-1973

11.7.5 All amendments to rules and regulations will be published in the official gazette. If two or more amendments to the same rules or regulations are to be published in the same issue of the gazette, they will be assigned order numbers in the same sequences as those assigned to the amendments to the said rules etc. and also published in that order.

Committees
on
Subordinate
Legislation
LSR 320
RSR 209

11.8 The committees on Subordinate Legislation constituted by the Speaker/Chairman scrutinize all rules etc. laid on the Table of the concerned House. The report containing the recommendations of the committee is submitted to the House by the Chairman of the committee.

11.9.1 (i) Soon after the presentation of the report by the committee:

Action on the report of the committee

(a) the Ministry of Parliamentary Affairs will process such recommendations made by the committee as are of a general nature and concern more than one department.

(b) The department concerned will take prompt action on the recommendation which primarily concern them and ensure that “action taken statements” are sent direct to the Lok/Rajya Sabha Secretariat, as the case may be, under intimation to the Ministry of Parliamentary Affairs within the period of six months from the date of the presentation of the report.

(ii) Where the department concerned accepts a recommendation, it will communicate the acceptance to the Lok/Rajya Sabha Secretariat, under intimation to the Ministry of Parliamentary Affairs. Where, however, a recommendation is not acceptable to the concerned department, or the department feels any difficulty in giving effect to it, it will:

(a) submit a brief to the Minister giving the reasons for not accepting it; and

(b) after obtaining his approval, communicate the comments of the department to the Lok/Rajya Sabha Secretariat, as the case may be, under intimation to the Ministry of Parliamentary Affairs.

11.9.2 Where it is proposed to amend the rules on the basis of the recommendations of the committee, the department concerned will take steps to amend the rules, notify the amended rules, etc., in the official gazette and to lay them on the Table of each House (vide paras 11.4 and 11.5.1).

11.10 As soon as an Act comes into force, it should be examined to ascertain the specific sections conferring power to make rules, regulations, bye-laws, orders, etc.

11.11 A register should be maintained by the concerned section in each department, specifying the various stages of processing the legislation, e.g., name of the enactment, date of its coming into force, sections (with any sub-sections etc.) conferring legislative powers on the government; whether power has been given to an agency other than Central Government for framing the rules and also identify the various stages of processing the rules, namely, framing of the draft rules, notification thereof in the gazette, if necessary, consideration of objections and suggestions, finalisation of rules in consultation with the Ministry of Law and Justice, the translation thereof, and final notification in the gazette. The above register should be put up by the section concerned to the officer in-charge for periodical check with a view to seeing that the process of legislation is not held up at any stage for any reason.

11.12 A monthly return should be put up by the section in-charge regularly to the Joint Secretary deputed for co-ordinating this work who shall monitor the progress and take remedial measures for avoiding any delay in the matter and who shall further submit a return, along with the remedial action taken, to the Additional Secretary/Secretary.

11.13 A quarterly report in respect of cases in which rules/regulations under a statute have not been published within six months should be sent regularly to the Legislative Department of the Ministry of Law and Justice.

11.14 The department should maintain up-to-date copies of the Acts and rules and regulations, bye-laws, etc., framed thereunder in sufficient numbers. In case the number of amendments is large, efforts should be made to reprint the Acts or the rules, as the case may be, so as to provide a continuous reading.

Chapter 12

Committees of Parliament

Introduction

12.1.1 Parliament constitutes committees for assisting it in dealing with specific items of business requiring expert or detailed consideration. A committee of Parliament may be constituted in pursuance of:

- (a) provisions of the LSR and RSR;
- (b) an Act of Parliament;
- (c) motion or resolution adopted by the House; or
- (d) inherent powers of the Speaker/Chairman.

A list of Standing Committees of Parliament and other particulars relating thereto are given in [Annex 23](#). General provisions applicable to the committees constituted by the Lok Sabha are given in Chapter XXVI of LSR.

12.1.2 Out of the committees of Parliament listed in [Annex 23](#), the following three financial committees deserve special mention:

LSR 308,309

(a) *Public Accounts Committee*: It examines the appropriation accounts, the annual financial accounts and such other accounts laid before the House as the committee may think fit.

LSR 310 to 312

(b) *Estimates Committee*: It examines the estimates of various departments with a view to reporting economies, suggesting alternative policies and examining whether the final provisions are consistent with the policy.

LSR 312A,312B

(c) *Committee on Public Undertakings*: It examines the working of specified public sector undertakings with a view to finding out whether the undertakings have been organised in accordance with sound business principles and prudent commercial practices.

Procedure followed
by financial
committees

12.2 The procedure generally followed by these financial committees is to:

- (a) decide the programme of work for the year;
- (b) issue a detailed questionnaire to the departments/public sector undertakings concerned;
- (c) call for papers/documents; and/or
- (d) summon officials and non-officials for evidence; and/or
- (e) undertake tours of offices, projects, undertakings, etc., and/or
- (f) form sub-committees/study groups for detailed scrutiny of the subject covered by the study; and
- (g) submit the final report to the Lok/Rajya Sabha.

Scope of applicability of procedures

12.3.1 Some of the procedures to be followed in regard to these three financial committees as described in this chapter are common to them but separate procedures have also been prescribed applicable to one or two of them. Paras 12.10 and 12.15 are, however, applicable to all the committees of Parliament listed in [Annex 23](#).

LSR 331
RSR 268,277

12.3.2 In addition to the financial committees, there are departmental related Standing Committees of Parliament ([Annex 23\(b\)](#)). These committees examine the Demands for Grants, Bills, Annual Reports of the departments concerned and long term policy documents presented to the Houses.

Nomination of an officer to deal with information called for by financial committees
PRO 12.4

12.4 Each department will nominate a senior officer for:

- (a) furnishing information called for by a financial committee;
- (b) rendering such assistance as may be sought for by the committee; and
- (c) co-ordinating action in the department with respect to its recommendations.

The name of such officer will be communicated to the secretariat of the committee.

Furnishing of material to financial committees

12.5.1 The following material forwarded to a committee will invariably be approved by an officer not below the rank of Joint Secretary in the department concerned and if, in unavoidable circumstances, it cannot be signed by him, the communication will mention that approval at that level has been obtained for:

PRO 12.12

- (a) preliminary material called for by the committee;
- (b) replies to questionnaire;
- (c) replies to points arising out of the evidence of representatives of the department/undertaking before the committee; and
- (d) replies showing action taken by government on the recommendations contained in the reports of the committee.

12.5.2 Forty copies in English and fifteen copies in Hindi of the above-mentioned material should be submitted within the time stipulated in the communication sent to the department by the Lok Sabha Secretariat.

Furnishing of material to Public Accounts Committee
PRO 12.6 to 12.11

12.6.1 The audit will inform the departments concerned of the cases in which excesses have occurred as soon as the appropriation accounts for a year are finalised and sent to the press for first proof. The department will then submit notes giving reasons for excesses, duly vetted by audit, to the Ministry of Finance. The budget division of that Ministry will be responsible for furnishing the explanatory notes, duly vetted by the audit, to the Public Accounts Committee immediately after the presentation of the appropriation accounts to Parliament or by 31 May, whichever is later.

12.6.2 Apart from the above, even other notes, memoranda, etc., will invariably be shown to audit before their formal submission to the Public Accounts Committee. When it is not possible to do so within the period stipulated by the committee, the department concerned will simultaneously send to the LS Secretariat, advance copies of the notes transmitted to audit to enable the committee to finalise their report without delay.

Furnishing secret documents to financial committees

12.7 On receipt of a request for supply of secret documents to financial committees, the department concerned will, with the approval of the Minister:

PRO 12.5

- (a) supply the documents; or
- (b) supply the documents to the Chairman of the committee with a recommendation against their circulation amongst members of the committee; or
- (c) decline to supply the documents if it is considered that their disclosure would be prejudicial to the safety or interests of the State.

Presence of representatives of the departments at the sitting of financial committees
PRO 11.15 to 11.17
SD 59

12.8 A department or undertaking required to give evidence before a committee on any matter will be represented by the Secretary or the head of the undertaking, as the case may be, unless the Chairman of the committee has permitted, on a request being made to him, any other senior officer to represent it. In case the Secretary/head of the undertaking is unable to appear before such a committee, the reasons for such absence and also the name of the officer to be deputed in his place will be intimated in advance.

Coordination of action taken on recommendations of Estimates Committee/ Public Accounts Committee
PRO 12.18,12.19

12.9.1 The procedure for examination of the recommendations of the Estimates Committee and the Public Accounts Committee and issue of replies thereto is as follows:

- (a) Recommendations relating to a single department will be dealt with by the department concerned.
- (b) Recommendations concerning the department reported upon as well as other departments will:
 - (i) if they raise general questions of a financial and budgetary nature, be co-ordinated by the Ministry of Finance (Department of Expenditure) in consultation with the departments concerned (The final reply to the committee will be issued either by the department reported upon or the Ministry of Finance, as may be mutually agreed to); and
 - (ii) if they raise other more general policy questions, be dealt with by the department reported upon in consultation with the Cabinet Secretariat.

Ministry of Finance
O.M. No. B.12(31)-
(Coord)/67 dt.16-5-
68

- (c) In respect of the reports of the Public Accounts Committee, the responsibility for ensuring that final replies, duly vetted by audit, reach the committee within the prescribed period of six months of the receipt of the report, will rest with:
 - (i) the Department of Expenditure in respect of recommendations marked
 - to that department;
 - jointly to that department and one or more of the other departments; and
 - to all departments.
 - (ii) the department concerned with the recommendations, in other cases.

Implementation of the recommendations made by Committees of Parliament
PRO 12.21 to 12.27

12.9.2 The department concerned will furnish the committee with a statement showing action taken on the recommendations contained in the report as well as the views of government on all the recommendations including those which are accepted by the Government.

SD 102
Cabinet
Sectt.O.M.No.
71/10/CF/66
dt.12.11.66 and
No71/10/CF/69 dt.
6.4.70

12.10.1 Where it is proposed not to accept any recommendations of a parliamentary committee, the department will:

- (a) submit the case to the Minister bringing out clearly the reasons for non-acceptance, and seeking his orders whether the case may be submitted to the Cabinet;
- (b) take action according to the Minister's orders; and
- (c) place the Government's views before the committee.

12.10.2 The committee may, if it thinks fit, submit a further report to the House after considering the Government's views.

12.10.3 If there are any factual statements in the report of a committee of Parliament on which the Government have reasons to disagree, they will be brought to the notice of the committee.

PRO 12.25

12.10.4 Statements, comments or observations on the contents of the reports of a committee of Parliament made in public without the knowledge of the committee or without the permission of the Speaker/Chairman may be considered a breach of privilege of the House and, therefore, should be avoided.

Action taken on the
recommendations
of the financial
committees
PRO 12.26

12.11 Subject to what is stated in para 12.9.1, each department will furnish to the committee, within six months from the date of presentation of the report to Parliament, a statement showing action taken by the Government on the recommendations contained in the report. No extension is ordinarily granted save in exceptional circumstances. In case of Public Accounts Committee, the statement will be vetted by audit.

Comments on the
action taken on
reports of the
financial
committees
PRO 12.28

12.12 Once a financial committee has presented its report to the Lok Sabha giving its comments on the action taken by the department concerned on its original report, it may normally be regarded as the completion of the process of examination so far as the committee is concerned. If, however, in the 'action taken report' presented by the committee, it has been pointed out that replies to certain recommendations in the original report are still outstanding, the department concerned will furnish its replies to the outstanding recommendations even after the 'action taken report' has been presented to the Lok Sabha.

Circulation of
administrative
reports etc. to
members of
financial
committees
PRO 12.1 and 12.2

12.13 Copies of the annual reports of departments will be supplied separately for use in these committees on specific request made by the Lok Sabha Secretariat in this regard.

Supply of
information
regarding setting up
of new government
companies/
statutory
Corporations to the
Committee on
Public
Undertakings PRO
12.3

12.14 Soon after a Government company or a statutory corporation is set up, the administrative department will send to the LS Secretariat for the information of the Committee on Public Undertakings:

- (a) an intimation regarding its formation;
- (b) two sets of articles and memorandum of association/statute relating thereto; and
- (c) a copy each of the annual reports and accounts of the company/corporation and the budget estimates, if presented to the Lok Sabha.

Conduct and
etiquette for
guidance of
witnesses appearing
before Committees
of Parliament

PRO 11.14

12.15.1 A witness appearing before a committee of Parliament is expected to behave in a dignified manner. In particular, he will:

- (a) show due respect to the Chairman of the committee/sub-committee by bowing while taking his seat;
- (b) take the seat earmarked for him;
- (c) take the oath/make affirmation, if so asked by the Chairman and, while doing so, stand and bow to the Chair just before taking the oath/making the affirmation;
- (d) answer specific questions put to him either by the Chairman, or by a member of the committee or by any other person authorised by the Chairman;
- (e) make all submissions to the Chair and the committee in courteous and polite language;
- (f) bow to the Chair when asked to withdraw after completion of his evidence;
- (g) not smoke or chew, when before the committee; and
- (h) note that subject to the provisos of LSR 270, the following acts would constitute breach of privilege and contempt of the committee:
 - (i) refusal to answer questions;
 - (ii) provocation or willfully giving false evidence or suppressing the truth or misleading the committee;
 - (iii) trifling with committee or returning insulting answers; and
 - (iv) destroying or damaging a material document relating to the enquiry.

12.15.2 Where an officer wishes to rely upon any of the provisos to rule 270 [vide sub-para (h) of para 12.15.1 above], he should not state the matter in the form of an objection then and there before the committee, but give an interim reply that it is necessary for him to look into the papers and take a little time before giving an appropriate or a considered reply to the question. He can then get in touch with the Chairman or the Secretary of the committee and state his difficulties. The Chairman will then indicate to him what further steps he should take in the matter and whether it is necessary to bring the Minister into the picture or not.

Chapter 13

Consultative Committees

Scope & functions

13.1.1 Consultative Committees consisting of members from both the Houses are constituted by the Ministry of Parliamentary Affairs for various departments of the Government of India and the strength thereof is fixed in consultation with the opposition parties/groups in Parliament and with due regard to the respective strength of various parties/groups in Parliament. The committees are initially constituted after the constitution of the new Lok Sabha and thereafter their reconstitution is usually timed with the budget session.

13.1.2 The Consultative Committees are meant to provide a forum for informal discussion between the members and Ministers on the policies and the working of the department. The Minister concerned with each department or, in his unavoidable absence, the Minister of State, presides over the meetings of the Consultative Committee attached to his department.

When to be called

13.2.1 Meetings of the committees are arranged both during and between the sessions. At least one meeting of each committee should be held during session as well as inter-session period. The Ministry of Parliamentary Affairs ascertains suitable dates from the department concerned and fixes a date for the meeting and issues formal notices, etc., to the members and to others concerned.

13.2.2 At the discretion of the Chairman, one meeting of the committee may be held outside Delhi once a year. Arrangement for boarding and lodging of the members at the venue of the meeting will be made by the department concerned.

Agenda for the meeting

13.3 Agenda items are either called from members or decided by the departments themselves in consultation with the members of the committee. If a member other than the members of a committee suggests any items for discussion in the meeting of a particular committee and those items are included in the agenda, he may be invited for the meeting subject to the condition that he will not be entitled to any TA/DA for attending such meeting.

Circulation of briefs

13.4 The concerned sections in the department will prepare detailed briefs on the items in the agenda and forward them to their Parliament Unit. The Parliament Unit will forward the briefs to the Ministry of Parliamentary Affairs for circulation among members of the committee. The approval of the Minister will be obtained if:

- (a) any item suggested by the member is proposed to be excluded from the agenda; or
- (b) if it is considered not necessary to circulate a brief on any item.

In the case of (a) above, the member concerned will be suitably informed, while in the case of (b), a self-contained note will be prepared for the use of the Minister.

Deliberations of committees

13.5 At these committees, Members of Parliament are free to discuss any matter which can appropriately be discussed in Parliament. Deliberations of the committees are considered informal and purely advisory and no reference thereto can be made on the floor of the House either by the Minister or by the members of the committee. Care should, therefore, be exercised by all concerned in the department, while preparing briefs for Ministers in regard to other parliamentary business, to avoid references to deliberations of the Consultative

Committees.

Attendance by officers and production of documents

13.6 The meetings of the committees are attended by senior officers of the department to assist the Minister with facts and figures. The committee, however, cannot summon any witness or ask for production of documents.

Record of discussion and further action

13.7 The department concerned will prepare and circulate among members of the committee, through the Ministry of Parliamentary Affairs, a brief record of discussions of the meetings. Where there is unanimity of view in the committee, the Government will normally accept it, except when it finds it not possible to do so on the grounds of:

- (a) financial implications;
- (b) security of state; and
- (c) the matter falling within the purview of an autonomous institution

In cases of non-acceptance, reasons therefore will be given to the committee in its next meeting.

13.8 The minutes of the meetings should be finalised at the earliest, preferably within a week after the meeting, and the concerned department should transmit them to the Ministry of Parliamentary Affairs for circulation among the members of the committee. Similarly, action taken reports (Hindi and English versions) on the decisions taken in the previous meetings and agenda notes, etc., for the next meeting should be sent to the Ministry of Parliamentary Affairs at least 10 days before the next meeting of the committee. The number of copies of agenda notes/minutes/ action taken report to be sent to the Ministry of Parliamentary Affairs should be equivalent to the total membership of the committee plus 10 for the meetings to be held during the session period and the same should be equivalent to the double of the membership of the committee plus 10 in respect of the meetings to be held during inter-session period.

Nomination of Members of Parliament on Committees, Councils, Boards and Commissions, etc., set up by the Government

Type of committees

14.1 There are two types of committees, namely, government committees, i.e., those appointed by Government and the parliamentary committees, i.e., those appointed or elected by the Lok Sabha and the Rajya Sabha or nominated by the Presiding Officer of the two Houses of Parliament. While parliamentary committees consist of Members of Parliament only, government committees are composed of experts, officials, non-officials and, sometimes, Members of Parliament also.

Nomination on government committees

14.2 Nomination of Members of Parliament on committees and other bodies set up by the Government is a subject allocated to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules, 1961. By virtue of this, the Minister of Parliamentary Affairs selects/nominates Members of Parliament to be appointed on all government committees, councils, boards, commissions, etc., set up by various departments. The reasons underlying the allotment of this function to the Ministry are that (a) there should be a single authority through which all nominations of Members of Parliament on various bodies set up by the government are made, (b) the Minister of Parliamentary Affairs being the government chief whip is eminently suited to discharge this function as he/she has the knowledge of interest aptitude, experience, suitability and availability of Members of Parliament for various assignments, and (c) that certain uniform, fair and objective norms would be observed for equitable allocation of membership of the various government bodies to the members of both Houses of Parliament to avoid a situation where some members could be overburdened with too many assignments while others have none.

Observance of guidelines for nomination

14.3 The department will forward the proposal for nomination of Members of Parliament by the Minister of Parliamentary Affairs on the committees, councils, boards, commissions, etc., to be set up by them to the Ministry of Parliamentary Affairs, furnishing the requisite information regarding the committee, etc., in the prescribed proforma (Annex 24). While forwarding such proposals, the department shall keep the following points in view:

- (i) No department, except the Ministry of Parliamentary Affairs shall nominate Members of Parliament on any committees, councils, boards, commissions, etc., (hereinafter called government bodies) set up by the Government of India in any department. (This does not include bodies on which Members of Parliament are to be nominated by the Speaker, Lok Sabha or the Chairman, Rajya Sabha or to be elected by either House of Parliament by virtue of any statutory provisions etc.)

- (ii) If the department sponsoring the proposal considers any particular Members(s) of Parliament suitable for the assignment, this information, with full supporting reasons, should be conveyed 'confidentially' at the Minister's or Secretary's level to the Ministry of Parliamentary Affairs. Care should be taken to ensure that the proposal is not conveyed to the members concerned before their names are approved by the Minister of Parliamentary Affairs.
- (iii) Proposals not sent in the prescribed proforma will be returned to the department concerned for compliance with the guidelines.
- (iv) Members nominated by the Minister of Parliamentary Affairs on government bodies and the department concerned are informed by the Ministry of Parliamentary Affairs about their nominations. However, consent of members to serve on such bodies is not obtained in advance. Where, however, a member, due to some unavoidable reasons, declines to serve on the body, the concerned department is informed and simultaneously necessary action to nominate another member in his/her place on that body, is initiated.
- (v) Under the Parliament (Prevention of Disqualification) Act, 1959, the Members are entitled to draw only "compensatory allowance" and no other remuneration for attending the meeting of such bodies. "Compensatory allowance" according to the above Act means:

"Any sum of money payable to the holder of an office by way of daily allowance, such allowance not exceeding the amount of daily allowance to which a Member of Parliament is entitled under the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954), any conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office".

PRO 11.6

The members, who are appointed to the committees, etc., set up by the Government of India, are granted TA/DA for attending the meetings of such committees on the same scale as provided in Sections 3 and 4 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (as amended from time to time) and Ministry of Finance O.M. No.F 6(26)-E-IV/59 dated 5-9-1960 (as amended from time to time). The payment of TA and DA is governed by Supplementary Rule 190 A(b)(ii). The intimation of such payments to members should invariably be given to the Lok/Rajya Sabha Secretariat and the Pay and Accounts Officer, Lok/Rajya Sabha, soon after the meeting is over and after the payment has been made.

- (vi) On receipt of the communication regarding nomination of Members of Parliament, the department should proceed to notify their nomination and supply to them all necessary literature including the constitution, functions, programme of work, etc., of the body under intimation to the Ministry of Parliamentary Affairs. A copy of the notification regarding constitution of such body shall invariably be endorsed to the Ministry of Parliamentary Affairs.

- (vii) Proposals for nomination of Members of Parliament on a government body should be sent to the Ministry of Parliamentary Affairs only if the department contemplating to set up the body is in a position to issue notification regarding the nomination of the Members of Parliament soon after receipt of the communication from this Ministry. Where a Government body is to comprise representatives of any other interests, nomination of such representatives of other interests may be finalized and then only the proposals for nomination of Members of Parliament should be sent to the Ministry of Parliamentary Affairs.
- (viii) If for any reason it is proposed not to constitute the government body during any of the above stages, this fact should be communicated to the Ministry of Parliamentary Affairs with reasons for such decision.
- (ix) Where a government body, in which Members of Parliament are co-opted, is proposed to be wound up or discontinued, it shall be brought to the notice of the Ministry of Parliamentary Affairs with reasons for such decision.
- (x) If it is decided to curtail or extend the term of such a government body, the decision shall be communicated to the Ministry of Parliamentary Affairs, as it implies curtailment or extension of the term of the Members of Parliament nominated thereon.
- (xi) Even where a Member of Parliament is proposed to be nominated on a government body in his individual capacity or as a representative of a particular class, trade, profession, institution, etc., the concurrence of the Ministry of Parliamentary Affairs should be obtained.
- (xii) Whenever a person already serving on a government body becomes a Member of Parliament and it is proposed to continue his membership of the body, the concerned department shall make a reference to the Ministry of Parliamentary Affairs in the prescribed proforma for approval of the Minister of Parliamentary Affairs.
- (xiii) In cases where a Member of Parliament nominated on a government body ceases to be a member thereof by resignation, expiration of his term on the body or death, fresh proposal should be sent to the Ministry of Parliamentary Affairs in the prescribed proforma for filling up the vacancy.
- (xiv) On the dissolution of the Lok Sabha, all members of the House cease to be members of the government bodies on which they were nominated. In such cases, fresh proposals should be sent to the Ministry of Parliamentary Affairs for nominating members of the new Lok Sabha in their place. The members of the Rajya Sabha nominated on a government body, however, continue to serve thereon till the expiration of their term on the body or the date of their retirement from the Rajya Sabha, whichever is earlier. If, however, the department decides to reconstitute the body for a fresh term and communicate this decision to the Ministry of Parliamentary Affairs, nominations of members of the Lok Sabha and the Rajya Sabha will be made

on the body *de nova*.

- (xv) In the case of members of the Rajya Sabha, as stated above, they cease to be members of the government bodies on their retirement from the House. In such cases too, fresh proposals are to be sent to the Ministry of Parliamentary Affairs in the prescribed proforma for filling up the vacancies.

Chapter 15

Matters raised in the Lok Sabha under Rule 377, in the Rajya Sabha under Rule 180A-E and in 'Zero Hour'

Matters raised under Rule 377 in the Lok Sabha/Special Mentions in the Rajya Sabha

15.1 Members of the Lok Sabha who wish to bring to the notice of the House any matter which is not a point of order, are permitted by the Speaker to raise the matter under rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha. In the Rajya Sabha, the Chairman permits the members to mention the matters of urgent public importance, generally known as Special Mentions, under Rule 180A-E of the Rules of Procedure and Conduct of Business in the Rajya Sabha. These matters are generally raised after the disposal of questions and call attentions.

Replies to matters raised

15.2 Necessary extracts of the matters raised in the Lok Sabha as well as in the Rajya Sabha on a particular day are forwarded to the concerned departments by LS/RS Secretariats on the succeeding day. Copies of these extracts are also endorsed to the Ministry of Parliamentary Affairs. Each administrative department is required to send replies to the concerned Member(s) of Parliament as expeditiously as possible, preferably within a month, under the signature of their Minister/Minister of State. In case any delay is anticipated, as sometimes the information is to be collected from various agencies including State Governments, an interim reply should be sent to the concerned Member of Parliament. Copies of the communications sent to the members may invariably be endorsed to LS/RS Secretariat and the Ministry of Parliamentary Affairs so that the matters are deleted from the register of pending matters.

Transfer of matters

15.3 In case the department finds that a matter concerns any other department, it may request that department to accept the transfer of the matter and upon that department accepting the transfer intimate acceptance thereof to the Ministry of Parliamentary Affairs and Parliament Secretariat concerned. Till such an intimation is received from the transferee department the matter will continue to be shown as pending against the department to whom it had been originally addressed. In case of differences between the departments as to which department should deal with the matter, procedure contained in the Cabinet Secretary's D.O. letter No.73/2/15/85-Estt. Dated 25 April, 1995 would be followed.

Effect of retirement/resignation etc. of Members

15.4 In case of matters raised under Rule 377 in the Lok Sabha, if a member who had raised the matter resigns his seat in the House or passes away, reply to such matters stating the factual position will be sent by the department to the Lok Sabha Secretariat under intimation to the Ministry of Parliamentary Affairs. In case of Special Mentions made in the Rajya Sabha, if a member who had raised it retires, resigns his seat in the House or passes away, no reply need be sent to the Rajya Sabha Secretariat and the Ministry of Parliamentary Affairs. However, if a member who had resigned his seat in the Lok/Rajya Sabha or had retired from the Rajya Sabha is re-elected to the House from which he had resigned or retired the reply will be sent to the member under intimation to the Parliament Secretariat concerned and the Ministry of Parliamentary Affairs.

Effect of dissolution of the Lok Sabha

15.5 On dissolution of the Lok Sabha, the matters raised under Rule 377 during the term of that Lok Sabha will lapse.

Registers of matters raised

15.6 Particulars of every matter raised should be entered by the Parliament Unit in their register, as at [Annex 25](#) whereafter the matter will be passed on to the concerned section. The Parliament Unit will maintain two registers—one each for matter raised under Rule 377 in the Lok Sabha and for Special Mentions raised in the Rajya Sabha.

15.7 The concerned section will also maintain register as at [Annex 26](#). The registers will be maintained separately for matters raised in the Lok Sabha and the Rajya Sabha, entries therein being made session wise.

Role of Section Officer and Branch Officer

15.8 The Section Officer in-charge of the concerned section will:

- (a) scrutinize the registers once a week;
- (b) ensure that necessary follow up action is taken without any delay whatsoever; and
- (c) submit the registers to the branch officer every fortnight who will draw the attention of senior officers to the matters replies to which are pending.

Matters of urgent public importance after Question Hour (Zero Hour)

15.9 Members are allowed to raise matters of urgent public importance after the Question Hour i.e. during 'Zero Hour' in the two Houses by the Presiding Officers. Whenever Presiding Officers give directions to the Government or the Minister/Minister of State for Parliamentary Affairs gives assurances on certain issues raised during 'Zero Hour' in the two Houses, the relevant extracts from the proceedings of the Houses relating to such matters are sent by the Minister of Parliamentary Affairs to the Minister concerned on the same day for such action as may be deemed necessary by the department. Ministry of Parliamentary Affairs also sends relevant extracts from the proceedings relating to the matters raised during Zero Hour in the two Houses on which no directions or assurances are given, to the department concerned for information and such action as may be deemed necessary. The department may examine such matters and, if deemed necessary, send replies to the members under intimation to the Ministry of Parliamentary Affairs.

Chapter 16

Miscellaneous

Appointment of a committee on matter already under consideration by parliamentary committee
PRO 11.1

16.1.1 A department will, before setting up a committee to investigate or inquire into any matter, ascertain from the LS/RS Secretariat whether any committee of Parliament is already engaged on an examination of the same matter.

PRO 11.2

16.1.2 If such a committee of Parliament or sub-committee thereof is already so engaged, no other committee will be set up, unless the appointment of such a committee is clearly unavoidable in public interest.

PRO 11.3

16.1.3 When such a committee is set up, no Member of Parliament will be appointed as its member without prior consultation, through the LS/RS Secretariat, with the parliamentary committee already engaged in the examination of the matter.

PRO 11.4

16.1.4 The report of any committee so set up will not be published without prior consultation with the parliamentary committee. If any difference of opinion arises between the concerned department and the parliamentary committee, the guidance of the Speaker/Chairman will be sought.

PRO 11.5

16.1.5 The procedure detailed in the preceding sub-paragraphs will not apply to committees composed entirely of officials, which may be set up to examine specific questions and whose reports are not intended to be published.

Furnishing to the LS/RS Secretariat the list of Members of corporations / committees and other bodies in which Members of LS/RS are serving

16.2.1 Department will furnish to the LS/RS Secretariat and the Ministry of Parliamentary Affairs a complete list showing the names of all the members of the various corporations, companies, committees and other bodies on which a member of the Lok/Rajya Sabha is:

- (a) selected, nominated or appointed either by the Lok Sabha or the Rajya Sabha or by the department; or
- (b) selected or nominated by any body with which the Minister is concerned.

16.2.2 Any change in these lists will also be communicated by the department concerned to the LS/RS Secretariat and the Ministry of Parliamentary Affairs.

16.3 The attached and subordinate offices and other bodies under the department will also furnish the above information direct to the LS/RS Secretariat.

Supply of notifications regarding appointments of committees, copies of questionnaires and telephone lists
PRO 11.7,11.8

16.4.1 The department will supply the following to the LS/RS Secretariat, with a copy to the Ministry of Parliamentary Affairs:

(a) 5 copies of the notification published in the Gazette of India/Press Notes relating to appointment of committees by Government or statutory bodies, with 3 more copies addressed specifically to the Committee Branch of the LS/RS Secretariat if members of the Lok/Rajya Sabha are members of such committees;

PRO 21.1, 21.2

(b) 300 copies in the case of the Lok Sabha and 250 copies in case of the Rajya Sabha, of questionnaires issued by departments, attached or subordinate offices or committees or commissions appointed by government, to elicit public opinion on any matter under investigation by them; and

PRO15.10

(c) two copies of the proforma as in [Annex 27](#), duly filled in regarding names, residential addresses and telephone numbers of the Minister, Secretary etc., at least ten days before the commencement of each session. Changes, if any, will also be communicated immediately.

16.4.2 In case a Minister resigns/relinquishes charge during or on the eve of the Parliament session, immediate action will be taken by the department to take a decision, if necessary in consultation with the Prime Minister's Office, to assign the task of handling parliamentary work (including questions) on behalf of the Minister who has resigned/relinquished charge to another Minister, and this decision will be intimated (through a letter) to the Speaker, Lok Sabha/Chairman, Rajya Sabha at the earliest, well in time. Consequential changes shall be made in the parliamentary papers, if necessary, issued under the signature or in the name of the Minister relinquishing the charge of the Ministry.

Supply of documents and publications to library

PRO 20.9

16.5 The departments will supply the following documents/publications to the library of Parliament:

(a) five copies of all reports/publications issued by departments and their attached and subordinate offices and allied organisations;

PRO 20.10

(b) ten copies of Ordinances issued by them;

PRO 20.16

(c) two copies of the Articles of Association, Memorandum or Resolution setting up a public sector undertaking or an autonomous or semi-autonomous body and wherever any amendments are made to the Articles of Association, Memoranda or Resolution concerning such bodies, copies thereof shall be also furnished;

PRO 20.11

(d) a monthly statement showing all publications issued including agreements entered into with foreign governments and reports of committees/commissions appointed; and

PRO 20.16

(e) A list of all such bodies/institutions etc., under their jurisdiction. Any change in the list shall be also furnished.

Publications referred to in answer to a question/statement laid or intended to be laid on the Table of the House
PRO 20.14

16.6.1 Where publications which have been or are intended to be referred to in answer to a question or in a statement in the House, are sent to the library of Parliament, the covering note will mention this fact. Such material will be made available to the library at least one clear day before the question etc. is likely to be taken up in the House.

PRO 20.12

16.6.2 Similarly where publications brought out by a department, its attached and subordinate offices or allied organisations, and reports, accounts etc. of autonomous and semi-autonomous organisations are intended to be laid on the Table of the House, copies of such publications will be sent to the library of Parliament after they have been so laid. Where, however, owing to Parliament being not in session, such documents are supplied to the library before they are laid on the Table of the House, the fact, will be clearly stated in the forwarding communication.

Transport arrangements for the tours of members of Committees of Parliament
PRO 12.15

16.7 Necessary transport facilities to members of committees of Parliament, Consultative Committees or their sub-committees or study groups during their study tours will be provided by the departments and offices or institutions subordinate to them or connected with them.

Correspondence with members

16.8.1 Communications received from a member will be attended to promptly.

16.8.2 Where a communication is addressed to a Minister, it will be as far as practicable, replied to by the Minister himself. In other cases, a reply will normally be issued under the signature of an officer not below the rank of Secretary. However, where a communication is addressed to an Under Secretary or higher level officer, reply may be sent by the addressee himself in routine matters. In case of communications involving matters of policy, the addressee himself may reply but after consulting the higher authorities. The minimum level at which such replies are sent to Members of Parliament should be that of Under Secretary and such replies should be sent in the letter form only.

16.8.3 Normally, any information which will not be denied to a member on the floor of the House, will be supplied to him in case he seeks it direct.

16.8.4 There is no obligation to disclose secret information to a member.

Procedure regarding official gallery cards and general passes

16.9 Admission to the official gallery is restricted to persons whose presence there is absolutely necessary in connection with and only during the business under discussion in the House. The following procedure governs the issue of official gallery cards and general passes:

- PRO 18.9 (a) General passes issued without any special endorsement will entitle the holders to gain admission to the Parliament House only. In cases where the holders are to be allowed admission to the official gallery, the passes will have to be got endorsed accordingly.
- PRO 18.1 to 18.13 (b) The Ministries should apply for the minimum number of official gallery cards and general passes required for a session of the Lok/Rajya Sabha, the applications for which should reach the Lok/Rajya Sabha Secretariat by the date intimated to departments through O.M. issued before the commencement of each session.
- PRO 18.15 (c) In respect of personal staff of the Minister, sessional official gallery passes will be requisitioned for only the private secretary and the additional private secretary.
- PRO 18.3,18.4 (d) The applications for official gallery cards and general passes should reach the LS/RS Secretariat by the date prescribed in regard thereto preceding each session. Such applications will be signed by an officer not below the rank of a Deputy Secretary, giving in all cases the names and designations of persons for whom cards and passes are required. Particular sector or rooms in Annexe where entry is desired may also invariably be mentioned. The number of Identity Cards with photograph issued by the respective department to the officers/the staff concerned should also be indicated against their names.
- PRO 18.10 (e) Official gallery cards and general passes will be signed by the persons in whose favour they are issued, and they will also keep their identity cards issued by the Ministries of Home Affairs and Defence with them for being produced whenever asked to do so.
- PRO 18.8 (f) Official gallery cards and general passes are not transferable.
- PRO 18.7 (g) The two front rows of the seats in the official gallery will be reserved for officers of the rank of Joint Secretary and above holding green official gallery cards.
- PRO 18.11 (h) Officials holding "sessional" or day-to-day cards or passes for official gallery will sign in the Visitors' Book kept near the entrance giving their names, designation, department, reason for the visit etc.
- PRO 18.12 (i) Sessional passes will be returned to the LS/RS Secretariat after the session for which they are issued is over. New sessional official gallery cards or general passes will be issued only after those issued during the previous session are returned to the LS/RS Secretariat.

Lok Sabha
Secretariat
O.M.NO.1/4
(C)CPIC/2003
dated 14.11.2003

16.10.1 In view of the present security environment and need for rigorous checks and stringent access control in the Parliament House Estate, following guidelines have been framed by the Lok Sabha Secretariat for strict compliance by various Ministries/Departments:

- (i) two MP labels, one each for official car and personal car, of Cabinet Ministers/Ministers of State will be issued;
- (ii) one 'P' Label will be issued for the vehicles used either by PSs/PAs and APSs to the Ministers;
- (iii) one 'P' Label each will be issued for the vehicle to be used by Secretary/Special Secretary of Ministries/Departments;

- (iv) one 'P' Label will be issued for the vehicle of Joint Secretary, incharge of Parliament Section of each Ministry/Department of Government of India; and
- (v) two 'P' Labels will be issued for use of staff cars of Ministries/Departments.

(Cabinet Ministers/Ministers of States are issued annual MP labels, whereas staff cars of Ministries are issued sessional 'P' labels)

Ministries may accordingly apply for the Parking Labels for the vehicles to be used by them keeping in view the above guidelines giving particulars of the vehicles together with registration numbers, well before commencement of the ensuing Session.

PRO 18.18

16.10.2 The 'P' label enables the holder to enter the Parliament House Estate only in connection with the official business in Parliament House and not for using the Sansad Marg and the Lok Sabha Marg as a thoroughfare.

PRO 18.18

16.10.3 The departments will also mention invariably the serial numbers of the sessional official gallery cards, if already issued, of the officers for whom the car park labels are required.

CHAPTER -17

CONSTITUTIONAL PROVISIONS RELATING TO PARLIAMENT

17.1.1 Constituent of Parliament:

The Parliament of India is a bicameral Legislature and is composed of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). These three constituent parts collectively constitute the Parliament.

[Art. 79]

17.1.2 President:

Though not a member of either House of Parliament, the President is an integral part of the Parliament.

17.1.3 Rajya Sabha:

The Rajya Sabha consists of twelve members nominated by the President and not more than two hundred and thirty-eight representatives of the States and of the Union territories. The members nominated by the President consist of persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. The allocation of seats in the Rajya Sabha to be filled by representatives of the States and of the Union territories is in accordance with the provisions in that behalf contained in the Fourth Schedule to the Constitution. The Rajya Sabha was duly constituted for the first time on 3 April 1952. It consisted of 216 members. Of these, 12 members were nominated by the President. The remaining 204 members were elected to represent the States.

[Art. 80]

The Rajya Sabha is not subject to dissolution, but as nearly as possible, one third of its members retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. The term of office of members begins—(i) in case of members elected/ nominated biennially, from the date on which their names are notified by the Government of India in the Official Gazette; and (ii) in case of member elected/nominated to fill a casual vacancy, from the date of publication in the Official Gazette of the declaration of election of such person, or of the Notification announcing the nomination of such person, as the case may be. The normal term of office of a member of the Rajya Sabha is six years from the date of election or nomination. However, a member elected or nominated to fill a casual vacancy holds office for the remainder of the term which his predecessor would have held.

[Art. 83]

17.1.4 Lok Sabha

The Lok Sabha at present consists of not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and not more than twenty members to

represent the Union territories, chosen in such manner as Parliament by law provides. The limit on the maximum number of members chosen directly from territorial constituencies in States may be exceeded if such an increase is incidental to reorganisation of States by an Act of Parliament.

[Art. 81]

The President is empowered, if he is of opinion that the Anglo-Indian community is not adequately represented in the House, to nominate not more than two members of that community to the Lok Sabha. For the purpose of election from territorial constituencies in the States, a number of seats are allotted to each State in the Lok Sabha in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States. Each State is thereafter divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it, so far as practicable, is the same throughout the State.

Unless sooner dissolved, the Lok Sabha continues for five years from the date appointed for its first meeting and no longer, as the expiration of the period of five years operate as a dissolution of the House. However, while a Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the Proclamation has ceased to operate.

[Art. 83]

17.1.5 Qualification for Membership of Parliament:

A person is qualified to be chosen to fill a seat in Parliament if he:

- (a) is a citizen of India, and makes and subscribes before some person, authorised in that behalf by the Election Commission, an oath or affirmation according to the form set out for the purpose in the Third Schedule to the Constitution;
- (b) is not less than twenty-five years of age, for a seat in House of the People and in the case of a seat in the Council of States, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

[Art. 84]

17.2.1 Disqualifications for Membership

(1) A person is disqualified for being chosen as, and for being, a member of either House of Parliament:

- (a) if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent Court;

(c) if he is an undischarged insolvent;

(d) if he is not citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament; and

(2) a person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule to the Constitution.

[Art. 102]

17.2.2 Decision on questions as to disqualifications of members

(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of Article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

[Art. 103]

17.2.3 SUMMONING AND PROROGATION OF BOTH HOUSES OF PARLIAMENT

Article 85(1) of the Constitution empowers the President to summon each House of Parliament to meet at such time and place as he thinks fit. Clause (2) thereof states that the President may from time to time prorogue the Houses or either House or dissolve the House of the People (Lok Sabha). The Allocation of Business Rules framed under Article 77(3) of the Constitution assign this function to the Ministry of Parliamentary Affairs. After assessing the time likely to be required for transaction of government business and for discussion on topics of public interest as may be demanded from time to time by Members of Parliament, a note is placed before the Cabinet Committee on Parliamentary Affairs for making a recommendation as to the date of commencement of a session of Parliament and its likely duration. After approval of the Cabinet Committee on Parliamentary Affairs to the proposal(s), concurrence of Prime Minister is solicited. After concurrence of Prime Minister, the proposal is sent to the President for his approval. In case, the Cabinet Committee on Parliamentary Affairs has not been constituted, a Note containing the proposal(s) is placed before the Cabinet. The recommendation of the Cabinet regarding the date of Commencement of the Session is submitted to the President for his approval. After the President's approval, the date of commencement and duration of session are conveyed to the Secretariats of the Lok Sabha and Rajya Sabha for issuing summons to the members of Parliament after obtaining approval of the President.

[Art. 85]

Prorogation: After obtaining the approval of the Cabinet Committee on Parliamentary Affairs to the proposal to prorogue the Houses, or either House, the Government's decision is

conveyed to the two Secretariats or concerned Secretariat of Parliament to enable them to issue the Order of the President and to notify the same in the Gazette of India.

17.2.4 PRESIDENT'S ADDRESS

Article 87(1) enjoins upon the President to address both Houses of Parliament assembled together at the commencement of the first session after each General Election and also at the commencement of the first session of each calendar year.

In accordance with clause (2) of Article 87, provisions have been made in the Rules of Procedure of the Lok Sabha and of the Rajya Sabha for discussion on the matters referred to in the President's Address. The debate in both Houses takes place on a Motion of Thanks which is moved and seconded by members selected by the Minister of Parliamentary Affairs. The motions duly signed by such members are forwarded by the Ministry of Parliamentary Affairs to the Parliament Secretariat concerned. The scope of the discussion on the Address is very wide and members are free to speak on any subject, whether national or international. Even matters not specifically mentioned in the Address are touched upon by members through tabling of amendments to the Motion of Thanks on the Address or through participation in the debate.

17.2.5 Powers, Privileges, etc., of the Houses of Parliament, and of the Members and committees thereof

In parliamentary language the term privilege applies to certain rights and immunities enjoyed by each House of Parliament and committees of each House collectively and by members of each House individually. The object of parliamentary privileges is to safeguard the freedom, the authority and the dignity of Parliament. Privileges are necessary for the proper exercise of the functions entrusted to Parliament by the Constitution. They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its members; and by each House collectively for the protection of its members and the vindication of its own authority and dignity.

The powers, privileges and immunities of either House of Parliament and of its members and committees have been laid down in Article 105 of the Constitution. In this article, the privilege of freedom of speech in Parliament and the immunity to members from “any proceedings in any

court in respect of anything said or any vote given” by them in Parliament or any committee thereof, are specifically provided for. The article also provides that no person shall be liable to any proceedings in any court “in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings”. In other respects, however, clause (3) of this article as originally enacted provided that “the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”, namely 26 January 1950. Article 105(3) was amended by the Constitution (Forty-fourth Amendment) Act, 1978. Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978 which came into force with effect from 20 June 1979 provides that in other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 15 of the Constitution (Forty-fourth Amendment) Act, 1978. Privileges enjoyed by Parliament as on 20 June 1979, have thus been specified as the period of reference and specific mention of the House of Commons has been omitted.

[Art. 105]

Bills and Procedures in the Parliament (Articles 107-119)

17.3.1 Article 107: Provisions as to introduction and passing of Bills

- (1) Subject to the provisions of Articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament.
- (2) Subject to the provisions of Articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.
- (3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.
- (4) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.
- (5) A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall subject to the provisions of Article 108, lapse on a dissolution of the House of the People.

17.3.2 Article 108: Joint sitting of both Houses in certain cases

- (1) If after a Bill has been passed by one House and transmitted to the other House –
- (a) the Bill is rejected by the other House; or
 - (b) the Houses have finally disagreed as to the amendments to be made in the Bill; or
 - (c) more than six months lapse from the date of the reception of the Bill by the other House without the Bill being passed by it,
- the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that nothing in this clause shall apply to a Money Bill.

- (2) In reckoning any such period of six months as is referred to in clause (1) no account shall be taken of any period during which the House referred to in sub-clause (c) of that clause is prorogued or adjourned for more than four consecutive days.

- (3) Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification, and if he does so, the Houses shall meet accordingly.

- (4) If at the joint sitting of the two Houses the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:

Provided that at a joint sitting–

- (a) if the Bill, having been passed by one House, has not been passed by other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;
- (b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed, and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.

(5) A joint sitting may be held under this Article and a Bill passed thereat, notwithstanding that dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein.

17.3.3 Article 109: Special procedure in respect of Money Bills

(1) A Money Bill shall not be introduced in the Council of States.

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill, return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(3) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

(5) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of the People.

17.3.4 Article 110: Definition of Money Bills

(1) a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub clause (a) to (f)

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for

licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes

(3) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final

(4) There shall be endorsed on every Money Bill when it is transmitted to the Council of States under Article 109, and when it is presented to the President for assent under Article 111, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill.

17.3.5 Article 111: Assent to Bills.

When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom:

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

17.4.1 Article 112: Annual Financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the “annual financial statement”

(2) The estimates of expenditure embodied in the annual financial statement shall show separately-

(a) The sums required to meet expenditure described by the Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) The sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India

(a) The emoluments and allowances of the President and other expenditure relating to his office;

(b) The salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) (i) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court,

(ii) The pensions payable to or in respect of Judges of the Federal Court,

(iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before

the commencement of this Constitution exercises jurisdiction in relation to any area included in a Governor's Province of the Dominion of India;

(e) The salary, allowances and pension payable to or in respect of the Comptroller and Auditor General of India;

(f) Any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(g) Any other expenditure declared by the Constitution or by Parliament by law to be so charged.

17.4.2 Article 113: Procedure in Parliament with respect to estimates-

(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing, the discussion in either House of Parliament of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People, and, the House of the People shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

17.4.3 Article 114: Appropriation Bills-

(1) As soon as may be after the grants under Article 113 have been made by the House of the People, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet-

(a) The grants so made by the House of the People; and

(b) The expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the person presiding as to whether an amendment is inadmissible under this clause shall be final.

(3) Subject to the provisions of Articles 115 and 116, no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law passed in accordance with the provisions of this article.

17.4.4 Article 115: Supplementary, additional or excess grants:-

(1) The President shall-

(a) if the amount authorised by any law made in accordance with the provisions of Article 114 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or

additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure or cause to be presented to the House of the People a demand for such excess, as the case may be.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or grant.

17.4.5 Article 116: Votes on account, votes of credit and exceptional grants-

(1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power-

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) To make an exceptional grant which forms no part of the current service of any financial year; and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made.

(2) The provisions of articles 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

17.5.1 Article 117: Special provisions as to financial Bills-

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States: Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it

provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

Procedure Generally

17.5.2 Article 118: Rules of procedure

(1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.

(4) At a joint sitting of the two Houses the Speaker of the House of People, or in his absence such person as may be determined by rules of procedure made under clause (3), shall preside.

17.5.3 Article 119: Regulation by law of procedure in Parliament in relation to financial business:-

Parliament may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business in, each House of Parliament in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of India, and, if and so far as any provision of any law so made is inconsistent with any rule made by a House of Parliament under clause (1) of article 118 or with any rule or standing order having effect in relation to Parliament under clause (2) of that article, such provision shall prevail.

17.5.4 Article 120: Language to be used in Parliament

(1) Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or in English:

Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in

Hindi or in English to address the House in his mother-tongue.

(2) Unless Parliament by law otherwise provides, this article shall, after the expiration of a period of fifteen years from the commencement of this Constitution, have effect as if the words “or in English” were omitted therefrom.

17.5.5 Article 121: Restriction on discussion in Parliament

No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as herein after provided.

17.6.1 Article 122: Courts not to inquire into proceedings of Parliament

(1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or Member of Parliament in whom powers are vested by or under the Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

17.6.1 Article 123: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of Parliament, but every such Ordinance-

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) May be withdrawn at any time by the President.

Explanation. - Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this Article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

17.6.2 Article 368: Power of Parliament to amend the Constitution and procedure therefor

(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this Article

(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill: Provided that if such amendment seeks to make any change in

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or

(c) Any of the Lists in the Seventh Schedule, or

(d) The representation of States in Parliament, or

(e) The provisions of this Article,

the amendment shall also require to be ratified by the Legislature of not less than one half of the States by resolution to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) Nothing in Article 13 shall apply to any amendment made under this Article

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this Article whether before or after the commencement of Section 55 of the Constitution (Forty second Amendment) Act, 1976 shall be called in question in any court on any ground

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this Article.

CHAPTER- 18

IMPORTANT ACTIVITIES OF MINISTRY OF PARLIAMENTARY AFFAIRS

18.1 In a Parliamentary democracy, parliamentary work constitutes one of the important preoccupations of the government. Parliamentary programmes cover numerous intricate matters - financial, legislative and non - legislative - relating to various Ministries/Departments of the Government. The task of efficiently handling diverse parliamentary work on behalf of the Government, in the Parliament, has been assigned to the Ministry of Parliamentary Affairs. As such, the Ministry serves as an important link between the two Houses of Parliament on the one hand and the Government on the other in respect of Government Business in Parliament. Created in May, 1949, as a Department, it is now a full-fledged Ministry since May 1986.

18.2 The functions allocated to the Ministry under the Government of India (Allocation of Business) Rules, 1961, framed under Article 77(3) of the Constitution of India are outlined below:

1. Dates of summoning and prorogation of the two Houses of Parliament, Dissolution of Lok Sabha, President's Address to Parliament.
2. Planning and coordination of legislative and other official business in both Houses.
3. Allocation of Government time in Parliament for discussion of motions given notice of by Members.
4. Liaison with Leaders and Whips of various Parties and Groups represented in Parliament.
5. Lists of Members of Select and Joint Committees on Bills.
6. Appointment of Members of Parliament on Committees and other bodies set up by Government.
7. Functioning of Consultative Committees of Members of Parliament for various Ministries.
8. Implementation of assurances given by Ministers in Parliament.
9. Government's stand on Private Members' Bills and Resolutions.
10. Secretarial assistance to the Cabinet Committee on Parliamentary Affairs.
11. Advice to Ministries on procedural and other Parliamentary matters.
12. Coordination of action by Ministries on recommendations of general application made by Parliamentary Committees.
13. Officially sponsored visits of Members of Parliament to places of interest.
14. Matters connected with powers, privileges and immunities of Members of Parliament.
15. Parliamentary Secretaries-functions.
16. Organization of Youth Parliament Competitions in Schools/Colleges throughout the country.
17. Organization of All India Whips' Conference.
18. Exchange of Government Sponsored Delegations of Members of Parliament with other countries.
19. Determination of Policy and follow up action in regard to matters raised under Rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha and by way of Special Mentions in Rajya Sabha.
20. Manual for Handling Parliamentary work in Ministries/Departments.
21. The Salaries and Allowances of the Officers of Parliament Act, 1953. (20 of 1953)
22. The Salary, Allowances and Pension of Members of Parliament Act, 1954. (30 of 1954)

23. The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977).
24. The Leader and Chief Whips of Recognized parties and Groups in Parliament (Facilities) Act, 1998 (5 of 1999)

18.3 The Ministry renders secretarial assistance to the Cabinet Committee on Parliamentary Affairs, which watches the progress of Government Business in Parliament and gives directions as may be necessary for the smooth and efficient conduct of such business besides recommending dates of summoning and prorogation of both the Houses of Parliament and approving the Government's stand on Private Members' Bills and Resolution.

18.4 The Ministry keeps close contact with the Ministries/Departments of the Government in respect of Bills pending in Parliament, new Bills to be introduced and Bills to replace Ordinances. The Ministry keeps a watch over the progress of Bills in both Houses of Parliament. In order to ensure smooth passage of Bills in Parliament, officials of the Ministry remain in constant touch with the officials of Ministries/Departments sponsoring the Bills and the Ministry of Law and Justice, which drafts the Bills.

18.5 The Ministry constitutes the Consultative Committees of Members of Parliament and makes arrangements for holding their meetings both during the session and inter-session periods. Presently, there are 35 Consultative Committees attached to various Ministries. The guidelines regarding the constitution, functions and procedures of these Committees have been formulated by this Ministry with the approval of Cabinet. The Ministry also nominates Members of Parliament as and when required, on the Commissions, Committees, Bodies etc set up by the Government.

18.6 The Ministry pursues with the other Ministries for prompt and proper implementation of assurances given by the Ministers in Parliament.

18.7 The Ministry of Parliamentary Affairs looks after the welfare of Members of Parliament. The Minister of Parliamentary Affairs nominates Members of Parliament on various government delegations visiting abroad.

18.8 With a view to strengthening the roots of democracy and inculcating the habits of discipline and tolerance and for enabling the student community to have intimate knowledge of the working of Parliament, the Ministry conducts Youth Parliament Competitions in the schools of the Government of National Capital Territory of Delhi, Kendriya Vidyalayas, Jawahar Navodaya Vidyalayas and Universities/Colleges all over the country

18.9 Parliamentarians in any country contribute to the shaping of foreign policy and relations with other countries. In the present international scenario, it is necessary and useful for the Government to utilize the expertise and services of Members of Parliament effectively for sensitizing and winning over the support of their counterparts in other countries, by explaining our policies, achievements, problems and future visions in various areas. With this objective in view, the Ministry of Parliamentary Affairs sponsors government delegations of Members of Parliament to other countries and also organizes the visits of Government sponsored delegations of MPs from other countries to India.

Organisational Set-up

18.10 The Ministry functions under the charge of a Cabinet Minister assisted by two Ministers of State. On the administrative side Ministry is headed by Secretary to the Government of India who is assisted by one Joint Secretary, one Director, 3 Deputy Secretaries and 8 Under Secretaries.

LIST OF SECRETARIES OF THE MINISTRY OF PARLIAMENTARY AFFAIRS

S. No	Name of the Secretary	Period		Remarks
		From	To	
1	Shri S. L. Shakhder	16.5.49	26.11.52	The post was equivalent to an Under Secretary to the Government of India
2	Shri Prem Chand	27.11.52	9.2.54	The post was equivalent to an Under Secretary to the Government of India
3	Shri N.K. Bhojwani	9.2.54(AN) 10.11.55	4.9.55 31.12.58	-do-
4	Shri S.P. Advani	5.9.59	9.11.58	-do-
5	Shri Kailash Chandra	1.1.59	16.3.67	The post was equivalent to a Deputy Secretary upto 28.11.63 and upgraded to the status of Joint Secretary to the Government of India w.e.f. 29.11.63
6	Shri H.N. Trivedi	28.3.67	31.12.75	The post was equivalent to a Joint Secretary to the Government of India.
7	Shri K.N. Krishnan	25.3.76	5.2.82	The post was equivalent to a Joint Secretary up to 2.6.80 and upgraded to the status of Additional Secretary to the Government of India w.e.f. 3.6.80
8	Shri Ishwari Prasad	5.2.82(AN)	29.2.88	The post was equivalent to an Additional Secretary up to 18.2.84 and upgraded to the status of Secretary to the Government of India w.e.f. 18.2.84. It was personal to the incumbent
9	Shri B.N. Dhoundiyal	11.4.88	28.2.91	The post of Secretary, MPA, is of the status of Secretary to the Government of India.
10	Shri R. Srinivasan	28.2.91(AN)	31.8.92	-do-
11	Shri M.M. Rajendran	16.9.92	20.5.93	-do-
12	Shri P.C. Hota	20.5.93	30.8.95	-do-
13	Shri R.C. Tripathi	1.9.95	31.8.97	-do-
14	Shri S.A.T. Rizvi	1.9.97	24.2.99	-do-
15	Shri L.D.Mishra (Addl. charge)	25.2.99	15.3.99	-do-
16	Shri S.A.T. Rizvi	16.3.99	1.8.2000	-do-
17	Shri R.D. Kapoor	17.8.2000	2.11.2000	-do-
18	Dr. M. Rehman	2.11.2000	31.7.2002	-do-
19	Shri L.M. Goyal	26.8.2002	31.5.2003	-do-
20	Sh. V. Lakshmi Ratan	3.6.2003	24.6.2003	-do-

21	Dr. V.K. Agnihotri	24.6.2003	31.8.2005	-do-
22	Shri A.K. Mohapatra	1.9.2005	1.1.2006	-do-
23	Shri Champak Chatterjee	2.1.2006	30.4.2006	-do-
24	Shri R.S. Pandey	1.5.2006	25.7.2006	-do-
25	Dr. (Mrs.) C.T. Misra	26.7.2006	30.10.2006	-do-
26	Shri P.K. Mishra	31.10.2006	30.6.2007	-do-
27	Smt. Asha Swarup (Addl. charge)	2.7.2007	8.7.2007	-do-
28	Dr.(Smt.) Rekha Bhargava	9.7.2007	31.12.2008	-do-
29	Shri K. Mohandas	1.1.2009	22.1.2009	-do-
30	Shri P.J. Thomas	23.1.2009	30.9.2009	-do-
31	Shri U.N. Panjiar (Addl.Charge)	1.10.2009	18.10.2009	-do-
32	Shri Anil Kumar	19.10.2009	31.8.2010	-do-
33	Shri U.N. Panjiar (Addl. charge)	1.9.2010	20.6.2010	-do-
34	Smt. Usha Mathur	20.6.2010	31.5.2011	-do-
35	Dr. T. Ramasami (Addl. charge)	6.6.2011	20.9.2011	-do-
36	Shri S. Chandrasekaran	20.6.2011(AN)	30.6.2012	-do-
37	Shri Desh Deepak Verma	2.7.2012	30.6.2013	-do-
38	Shri Afzal Amanulla	1.7.2013	31.5.2016	-do-
39	Shri Prabhas Kumar Jha	01.6.2016	Continuing	-do-

Annex I
(Paras [5.8.2](#) & [9.8](#))

Proforma for Intimation of Legislative and other proposals by departments

BUSINESS FOR THE SESSION OF PARLIAMENT
MINISTRY/DEPARTMENT OF

PART-I LEGISLATIVE BUSINESS

Sl. No	Title of the Bill (English and Hindi version)	Purport in brief (To be Self Explanatory)	Present State of Preparedness			Probable date by which the Bill is likely to be introduced	Whether the Bill is required to be passed during the Session	Name and telephone numbers of the officers concerned with the Bill	Remarks
			Draft Cabinet Note	Concurrence/ views of concerned Ministries Obtained	Cabinet approval obtained				
1	2	3	4	5	6	7	8	9	10

N.B. Bills, both pending (excluding those which are not proposed to be proceeded with during the Session) and proposed, may be arranged in the order in which it is proposed to take them up in Parliament.

PART-II NON-LEGISLATIVE BUSINESS

Matters of Public Importance / Report Required to be Discussed in Parliament

S. No.	Subject	Whether the relevant document/ Report has been made available to Members; if so, when?	If the relevant document/Report has not been presented, when it is likely to be ready.	Remarks
1	2	3	4	5

**TYPE OF INFORMATION WHICH THE ANNUAL REPORT
OF A DEPARTMENT MAY CONTAIN**

<p>1. Structure and functions of the department</p>	<p>(a) Broad idea of the functions. (If a more detailed list is considered necessary, it could form part of an appendix).</p> <p>(b) The attached and subordinate offices, if any, through which the functions are discharged. Relative roles of</p> <p>(i) the department;</p> <p>(ii) attached offices;</p> <p>(iii) subordinate offices working directly under the department.</p> <p>(c) Organisation and staffing of</p> <p>(i) department proper;</p> <p>(ii) its attached and subordinate offices.</p>	
<p>2. Performance</p>	<p>Activities (existing and projected) and achievements of the department/ attached/ subordinate offices vide (b) above, split up under:</p> <p>(a) programmes continuing from previous year;</p> <p>(b) new programmes.</p>	<p>Progress to be shown against each, with reference to financial and physical targets and the actual performance, both cumulative and for the year, where necessary, to be highlighted by charts and graphs for better comprehension.</p>
<p>3. Public Sector undertaking under the department</p>	<p>An appraisal of the performance of each, covering its profitability or otherwise, and other major events like expansion, diversification, accidents, strikes, lock-outs and so on.</p>	

4. Autonomous bodies and institutions	Appraisal of the functioning of each of the autonomous bodies/institutions in relation to their objectives.	
5. Important Committees and Commissions	(a) Continuing committees/commissions—their work during the year and present position; (b) New committees / commissions – composition, terms of reference, progress made etc. (c) An idea of any new committees/commissions proposed to be set up and brief details regarding their purposes, membership etc.	
6. Conference	(a) Organised in India; (b) International.	Nature of participation, subjects discussed, implementation-action taken etc. and foreign exchange component of the cost of attending such conferences in the case of international conferences held abroad, to be indicated.
7. Agreements with countries, international organisations	Their nature and the degree of assistance, if any, both financial and technical to be received/extended.	
8. List of publications brought out	Brief purpose of each, wherever necessary.	(All the publications of the department which continue to be topical to be listed in an appendix periodically, say, once in three

		years.)
9. Administrative improvements and innovations.	(a) Measures introduced during the year to achieve efficiency and economy in administration; (b) an appraisal of the work of the internal work study unit in the field of work measurement, organisational and procedural studies.	
10. Use of Hindi as official language	Progress made with reference to government orders on the subject.	

STANDARD LIST OF EXPRESSIONS CONSTITUTING ASSURANCES

LOK SABHA RAJYA SABHA

LOK SABHA

(As approved by the Committee on Government Assurances of the Lok Sabha at its sitting held on 9.4.1954)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall study the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to State Governments.
12. We will put the matter in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.
15. The suggestion will be taken into consideration.
16. The matter will be considered at the _____ conference to be held on _____ .
17. The matter is still under examination and if anything is required to be done, it will certainly be done.
18. The matter will be taken up with the Government of _____.
19. I have no information; but I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made will be borne in mind while framing the rules.

22. If the Hon'ble Member so desires, I can issue further instructions.
23. Copy of the report, when finalised, will be placed in the Parliament Library.
24. I shall supply it to Hon'ble Member.
25. I think it can be done.
26. If the Hon'ble Members' allegation is true, I shall certainly have the matter gone into.
27. We shall have to find that out.
28. I will draw the attention of the _____ Government who I hope will take adequate steps in this direction.
29. It is a suggestion for action which will be considered.
30. All the points raised by various Members will be considered and the result will be communicated to each member.
31. Information is being collected and will be laid on the Table of the House.
32. I am reviewing the position.

NOTE : All directions by the Speaker, Deputy Speaker or the Chairman involving action on the part of Ministers, will be complied with as assurance.

RAJYA SABHA

(As approved by the Committee on Government Assurances of the Rajya Sabha at its sitting held on the 24th July, 1972)

1. The matter is under consideration.
2. I shall look into it.
3. Enquiries are being made.
4. I shall inform the Hon'ble Member.
5. This is primarily the concern of State Government but I shall look into it.
6. I shall write to the State Governments.
7. I assure the House all suggestions by Hon'ble Member will be carefully considered.
8. I shall study the conditions on the spot during my tour.
9. I shall consider the matter.
10. I will consider it.
11. I will suggest to the State Government.
12. We will put the matter in the shape of a resolution.
13. I shall see what can be done about it.
14. I will look into the matter before I can say anything.

15. The suggestion will be taken into consideration.
16. The matter will be considered at the _____ conference to be held on _____.
17. The matter is still under examination and if anything is required to be done, it will certainly be done.
18. The matter will be taken up with the Government of _____.
19. I have no information; but I am prepared to look into the matter.
20. Efforts are being made to collect the necessary data.
21. The suggestions made well be borne in mind while framing the rules.
22. If the Hon'ble Member so desires, I can issue further instructions.
23. Copy of the report, when finalised, will be placed in the Parliament Library.
24. I shall supply it to Hon'ble Member.
25. I think it can be done.
26. If the Hon'ble Members' allegation is true, I shall certainly have the matter gone into.
27. We shall have to find that out.
28. I will draw the attention of the _____ Government who I hope will take adequate steps in this direction.
29. It is a suggestion for action which will be considered.
30. (Discussion on Railway Budget). All the points raised by various Members will be considered and the result will be communicated to each Member.
31. Information is being collected and will be laid on the Table of the Rajya Sabha.
32. I am reviewing the position.
33. Directions by the Chairman, Deputy Chairman or the Vice-Chairman involving action on the part of Ministers.
34. All specific points on which information is asked for and promised.

REGISTER OF ASSURANCES GIVEN IN PARLIAMENT

(To be maintained by the Parliament Unit)

Lok/Rajya Sabha Session _____ Ministry/Department of _____

Sr. No.	Question No. discussion date and name of MP raising the point	Reference	Subject	Assurance given	Dt. Of receipt from the M.P.A.	Section concerned with the assurance	Date on which sent to the section	Due date of implementation of assurance	Extension sought/ granted	No. & date of communication under which IR/Part IR was sent to M.P.A.	Dt. On which IR/Part IR was laid on the Table	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Col. 2: Show date on which the assurance was given.

Col. 3: Show name of Bill, resolution, motion etc. in connection with which assurance was given and also Ministry of Parliamentary Affairs' references with which it was received.

REGISTER OF ASSURANCES GIVEN IN PARLIAMENT

(To be maintained by section concerned)

Lok/Rajya Sabha Session _____
Section _____

Sr. No	File No.	Ques. No. discussion date and name of MP raising the point	Reference	Subject	Promise Made	Dt. of receipt from Parliament unit	Due dt. for implementation of the assurance	Sources from which information is required to be collected	Extension sought/ granted	No. & dt. Of the communication under which IR/ Part IR was sent to M.P.A.	Dt. On which IT/Part IR/Laid on the Table of the House	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Col. 3: Show date on which the assurance was given.

Col. 4: Show name of Bill, resolution, motion etc. in connection with which assurance was given and also Ministry of Parliamentary Affairs reference with which it was received.

Col. 5: Show specific point on which assurance was given.

Col. 13: Show whether request for deletion has been made.

Annex 6
(Paras [8.7.2](#) & [8.9](#))

.....Session, 20 of the Lok Sabha
.....Session, 20 of the Rajya Sabha

Date of fulfilment

Ministry ofDepartment of

Question No. & Date	Subject	Promise Made	How Fulfilled	Remarks/Reasons for dealy
1	2	3	4	5

**FORM IN WHICH THE RECOMMENDATION/PREVIOUS
SANCTION OF THE PRESIDENT HAS TO BE COMMUNICATED
BY THE MINISTER IN-CHARGE**

The President having been informed of the subject matter of the proposed

*Bill/amendment

accords his previous sanction to the introduction of the *Bill/the moving of the amendment in the House under Article _____ of the Constitution.

or

recommends the introduction of the Bill/moving of the amendment in the House under Article ____ of the Constitution.

or

recommends _____ to the House the consideration of the Bill under Article _____ of the Constitution.

(Minister)

Copy forwarded to the Ministry of Parliamentary Affairs.

(Shri _____)

Copy forwarded to the Ministry of Law and Justice (Legislative Department). (Shri _____)

Deputy Secretary

** Here give title of the Bill.*

**PROFORMA INDICATING THE CONSTITUTIONAL
AND PROCEDURAL REQUIREMENTS TO BE
TAKEN NOTE OF WHILE PROCESSING A BILL.**

<p>1. Legislative Competence (Information in regard to this can be gathered from the note for the Cabinet):</p>	<p>Articles of the Constitution</p> <p>(i) relevant to the Legislative proposal.</p> <p>(ii) Relevant entries in the VII Schedule.</p> <p>(a) Union List</p> <p>(b) Concurrent List</p> <p>(c) State List</p>
---	---

2. Recommendation/previous sanction of the President:

(i) Whether the Bill attracts Articles 3, 117(1), and/or 274(1) of the Constitution

(ii) if so, the clauses of the Bill attracting the above Article(s)

(iii) Whether the recommendation/previous sanction of the President has been obtained?

3. (i) Does the Bill involve expenditure from the Consolidated Fund of India?

(ii) Is Article 117(3) of the Constitution attracted by the Bill?

(iii) Has Financial Memorandum been appended to the Bill (LSR 69 and RSR 64)?

(iv) Have the clauses of the Bill involving expenditure been printed in the thick type or in italics?

4. (i) Do the clauses of the Bill involve delegation to the executive of legislative powers?

(ii) Has Memorandum regarding delegated legislation been appended (LSR 70 and RSR 65)?

5. (i) Has the Statement of Objects and Reasons been appended?

(ii) Have copies of the documents referred to in the Statement been placed on the Table of the House or circulated to MPs?

6. (i) Is suspension of any rule of procedure necessary for the introduction of the Bill etc.?

(ii) If so, has notice thereof been sent to the LS/RS Secretariat?

(iii) Does the Bill have any special provisions e.g. placing restrictions on or regulation of fundamental rights etc. If so, briefly list them with their implications?

Copy to:

(1) Ministry of Parliamentary Affairs.

(2) Ministry of Law and Justice (Legislative Department).

MOTION FOR INTRODUCTION OF A BILL

To

The Secretariat General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move for leave to introduce a Bill (Here give the long title of the Bill), during the ensuing/current session of the Lok/Rajya Sabha and also to introduce the Bill.

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**MEMORANDUM FOR EXEMPTION
FROM DIRECTION 19A/19B**

To

The Speaker,
Lok Sabha,
New Delhi.

Sir,

The (Here give the short title of Bill) Bill, 20... is being forwarded to the Lok Sabha for introduction during the current session. For the following reason(s), it is requested that the requirements in Direction 19A/19B of the Directions of the Speaker may be relaxed in respect of this Bill in order to permit the Bill being introduced in the current session:-

(Here give reasons)

Your faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**MOTION FOR CONSIDERATION
AND PASSING OF A BILL**

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motions during the ensuing /current session of the Lok/Rajya Sabha:

- “(i) That the bill (Here give the long title of the Bill) be taken into consideration; and
- (ii) that the Bill be passed.”

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department)

Deputy Secretary

**MOTION FOR REFERRING A BILL
TO A SELECT COMMITTEE**

To
The Secretary General,

Sir,

I give notice of my intention to move the following motion during the ensuing /current session of the Lok/Rajya Sabha:

“That the Bill (Here give the long title of the Bill) be referred to a Select Committee of the Lok/Rajya Sabha consisting of (Here give the number* of members) members (Here give the names** of members) with instructions to report to the Lok/Rajya Sabha by the (here give the date*)”.

Yours faithfully

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

* *To be determined by the concerned department.*

** *To be determined by the Ministry of Parliamentary Affairs.*

**MOTION FOR REFERRING A BILL TO A
JOINT COMMITTEE OF THE HOUSES**

To

The Secretary General,
Lok /Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the ensuing/ current session of the Lok/Rajya Sabha:

“That the Bill (Here give the long title of the Bill) be referred to a Joint Committee of the Houses consisting of (here give the number* of members) members from this House (Here give the names** of the members) and (Here give the number of members) from the ————— Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the committee shall make a report to this House by the (here give the date*);

that in other respects the Rules of Procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker/Chairman may make; and

that this House recommends to————Sabha that ——— Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by ————— Sabha to the Joint Committee.”

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

* To be determined by the concerned department.

** To be determined by the Ministry of Parliamentary Affairs.

**MOTION FOR CIRCULATION OF A BILL FOR
ELICITING PUBLIC OPINION**

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the ensuing/ current session of the Lok/Rajya Sabha:

“That the Bill (Here give the long title of the Bill) be circulated for the purpose of eliciting public opinion thereon by the (here give the date*).

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

** To be determined by the concerned department.*

**MOTION FOR WITHDRAWAL OF A BILL IN THE
HOUSE IN WHICH IT HAS BEEN INTRODUCED**

To

The Secretary General,
Lok /Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move for leave to withdraw the Bill (Here give the long title of the Bill) during the ensuing/current session of the Lok/Rajya Sabha and also to withdraw the Bill.

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**MOTION FOR WITHDRAWAL OF A BILL PASSED BY ONE HOUSE AND PENDING IN THE
OTHER HOUSE**

- (a) *Preliminary motion in the House where the Bill is pending*
(b) *Concurrence motion in the House where the Bill was passed*
(c) *Final withdrawal motion in the other House where the Bill is pending*

(a) *Preliminary motion in the House where the Bill is pending*

To

The Secretary General,
Lok /Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the current session of the Lok/Rajya Sabha:

“That this House recommends to Sabha that the House do agree to leave being granted by this House to withdraw the Bill (Here give the long title of the Bill) which was passed by the Sabha on the 20 and laid on the Table of this House on the 20”

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
(2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

(b) Concurrence motion in the House where the Bill was passed

To

The Secretary General,
Lok /Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the current session of the Lok/Rajya Sabha:

“That this House concurs in the recommendation of the Sabha that the Sabha do agree to leave being granted by the Sabha to withdraw the Bill (Here give the long title of the Bill) which was passed by the Sabha on the 20..... and laid on the Table of the Sabha on the 20.....”.

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

(c) Final withdrawal motion in the other House where the Bill is pending

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the current session of the Lok/Rajya Sabha:

“That leave be granted to withdraw the Bill (Here give the long title of the Bill) as passed by Sabha.”

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

MOTION FOR CONCURRENCE IN THE RECOMMENDATION FOR REFERENCE OF A BILL TO A JOINT COMMITTEE

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the ensuing/ current session of the Lok/Rajya Sabha:

“That this House concurs in the recommendation of the ... Sabha, that the House do join in the Joint Committee of the Houses on the Bill to (here give the long title of the Bill) made in the motion adopted by the ... Sabha at its sitting held on the 20 and communicated to this House on the..... 20..... and resolves that the following members of the Sabha be nominated to serve on the said Joint Committee:

(Here give the names** of members).”

Yours faithfully,

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**** To be determined by the Ministry of Parliamentary Affairs**

MOTION FOR LEAVE TO MOVE AMENDMENTS TO A BILL REFERRED TO A SELECT/JOINT COMMITTEE

To

The Secretary General,
Lok /Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following amendments to clause(s) [Here give the number of clause(s)] of the Bill (Here give the long title of the Bill) when it comes up for consideration of the Select/Joint Committee:

Page , line(s)

Omit

Page , line(s)

For..... substitute.....

Yours faithfully

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**MOTION FOR LEAVE TO MOVE AMENDMENTS
TO A BILL IN THE HOUSE**

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following amendments after the adoption of the motion that the Bill (Here give the long title of the Bill) be taken into consideration, namely:

Page , line(s)

Omit

Page , line(s)

For.....substitute.....

Yours faithfully

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

**MOTION REGARDING CONSIDERATION AND
PASSING/*RETURN OF A BILL PASSED IN ONE HOUSE AND PENDING IN THE OTHER HOUSE**

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the current session of the Lok/Rajya Sabha:

“(i) That the Bill (Here give the long title of the Bill) as passed by the
Sabha be taken into consideration; and

(ii) that the Bill be passed/*returned.”

Yours faithfully

Minister

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

** If the Motion relates to a Money Bill as passed by the Lok Sabha.*

**SPECIMEN FORM FOR COMMUNICATING REVISED FINANCIAL
MEMORANDUM AND/OR MEMORANDUM REGARDING
DELEGATED LEGISLATION**

1. Title of the Bill-(Here give the long title of the Bill)
2. Revised Financial Memorandum-
(Here give the revised Memorandum)
3. Revised Memorandum on Delegated Legislation-
(Here give the revised Memorandum)

Yours faithfully,

Minister

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Copy to:

- (1) Ministry of Parliamentary Affairs.
- (2) Ministry of Law and Justice (Legislative Department).

Deputy Secretary

Note:- Requisite number of copies alongwith a copy each in Hindi and English authenticated by the minister will be sent with a covering office memorandum

**MOTION FOR CONSIDERATION AND APPROVAL OF A STATUTORY RULE, REGULATION,
BYE-LAW ETC.**

To

The Secretary General,
Lok/Rajya Sabha,
New Delhi.

Sir,

I give notice of my intention to move the following motion during the current session of the Lok/Rajya Sabha:

“In pursuance of sub-section.....of Section.....of the.....Act, 20...(..... of 20.....), the Lok/Rajya Sabha hereby approves of the notification of the Government of India in the Department of.....SRO..... dt.....by which.....(Here state the brief purpose of the rule)”

Yours faithfully,

Minister

Copy to:
Ministry of Parliamentary Affairs.

Deputy Secretary

Annex 23
(Paras [12.1.1](#), [12.1.2](#) & [12.3.1](#))

STANDING COMMITTEES OF PARLIAMENT

(a) Constitution composition and term

[Lok Sabha, Rajya Sabha, Joint Committess](#)

Lok Sabha

Sl.	Name of the Committee	Whether elected or nominated	No. of members	Term
1	2	3	4	5
1.	Business Advisory Committee	Nominated	15	Till reconstituted
2.	Committee on Private Members' Bills and Resolutions	Nominated	15	One year
3.	Committee on Petitions	Nominated	15	Till reconstituted
4.	Committee on Estimates	Elected	30	One year
5.	Committee of Privileges	Nominated	15	Till reconstituted
6.	Committee on Subordinate Legislation	Nominated	15	One year
7.	Committee on Government Assurances	Nominated	15	One year
8.	Committee on Absence of Members from the Sittings of the House	Nominated	15	One year
9.	Rules Committee	Nominated	15	Till reconstituted
10.	General Purposes Committee	Nominated	@	Till reconstituted
11.	House Committee	Nominated	15	One year
12.	Public Accounts Committee	Elected	22 (15- Lok Sabha) (7-Rajya Sabha)*	One year
13.	Committee on Public Undertakings	Elected	22 (15- Lok Sabha) (7-Rajya Sabha)*	One year

14.	Library Committee	Nominated	9 (6- Lok Sabha) (3-Rajya Sabha)*	One year
15.	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	Elected	30 (20-Lok Scheduled Tribes Sabha) (10-Rajya Sabha)*	One year
16.	Committee on Papers Laid on the Table	Nominated	15	One year

@ Consisting of the Speaker, the Deputy Speaker, members of the Panel of Chairmen, Chairmen of all Standing Committees of the Lok Sabha, leaders of recognized parties and groups and such other members as may be nominated by the Speaker.

* Members of the Rajya Sabha are also associated with these committees.

Rajya Sabha

Sl.	Name of the Committee	Whether elected or nominated	No. of members	Term
1	2	3	4	5
1.	Business Advisory Committee	Nominated	11 (including Chairman & Deputy Chairman)	Till reconstituted
2.	Committee of Privileges	Nominated	10	-do-
3.	Committee on Petitions	Nominated	10	-do-
4.	Committee on Rules	Nominated	16	-do-
5.	Committee on Subordinate Legislation	Nominated	15	-do-
6.	Committee on Government Assurances	Nominated	10	-do-
7.	House Committee	Nominated	7	-do-
8.	General Purposes Committee	Nominated	@@	*
9.	Committee on Papers Laid on the Table	Nominated	10	Till reconstituted
10.	Committee on MPLAD Scheme	Nominated	10	Tenure of the Members (in RS)
11.	Ethics Committee	Nominated	10	Till reconstituted
12.	Committee on Provision of computers to MPs (RS)	Nominated	7	Tenure of the Members (in RS)

@@ Consisting of the Chairman, Deputy Chairman, panel of Vice Chairman, Chairman of all Standing Committees of the Rajya Sabha, Leaders of recognized parties and groups and such other members as may be nominated by the Chairman.

* Not provided in the rules but is constituted every year.

Joint Committess

Sl.	Name of the Committee	Whether elected or nominated	No. of members	Term
1	2	3	4	5
1.	Joint Committee on Salaries and Allowances of Members of Parliament	Nominated	15 (10- Lok Sabha) (5-Rajya Sabha)	One year
2.	Joint Committee on offices of Profit	Elected	15 (10- Lok Sabha) (5-Rajya Sabha)	Co-terminus with the life of Lok Sabha
3.	Committee on the Empowerment of Women	Nominated	30 (20-Lok Sabha) (10- Rajya Sabha)	One year
4.	Joint Parliamentary Committee on the functioning of Wakf Boards	Nominated	30 (20-Lok Sabha) (10- Rajya Sabha)	No fixed tenure
5.	Joint Committee on Security in Parliament House complex	Nominated	10 (7-Lok Sabha) (3- Rajya Sabha)	No fixed tenure

(b) Ministries/Departments under Jurisdiction of the Standing Committees

Sl.	Name of the Committee	Ministries/Departments
1	2	3
PART-I		
1.	Committee on Commerce	Commerce and Industry
2.	Committee on Home Affairs	(1) Home Affairs (2) Development of North Eastern Region
3.	Committee on Human Resource Development	(1) Human Resource Development (2) Youth Affairs and Sports
4.	Committee on Industry	(1) Heavy Industries and Public Enterprises (2) Small Scale Industries (3) Agro and Rural Industries
5.	Committee on Science and Technology, Environment & Forests	(1) Science and Technology (2) Space (3) Ocean Development (4) Atomic Energy (4) Environment & Forests
6.	Committee on Transport, Tourism and Culture	(1) Civil Aviation (2) Road Transport & Highways (3) Shipping (4) Tourism (5) Culture
7.	Committee on Health and Family Welfare	Health and Family Welfare
8.	Committee on Personnel, Public Grievances, Law and Justice	(1) Law and Justice (2) Personnel, Public Grievances and Pensions
PART-II		
9.	Committee on Agriculture	(1) Agriculture (2) Food Processing Industries
10.	Committee on Information Technology	(1) Communications and Information Technology (2) Information and Broadcasting
11.	Committee on Defence	Defence
12.	Committee on Energy	(1) Non-Conventional Energy Sources (2) Power
13.	Committee on External Affairs	(1) External Affairs (2) Non-Resident Indians Affairs

14.	Committee on Finance	(1) Finance (2) Company Affairs (3) Planning (4) Statistics and Programme Implementation
15.	Committee on Food, Consumer Affairs and Public Distribution	Consumer Affairs, Food and Public Distribution
16.	Committee on Labour	(1) Labour and Employment (2) Textiles
17.	Committee on Petroleum and Natural Gas	Petroleum and Natural Gas
18.	Committee on Railways	Railways
19.	Committee on Urban Development	(1) Urban Development (2) Urban Employment and Poverty Alleviation
20.	Committee on Water Resources	Water Resources
21.	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22.	Committee on Rural Development	(1) Rural Development (2) Panchayati Raj
23.	Committee on Coal and Steel	(1) Coal and Mines (2) Steel
24.	Committee on Social Justice and Empowerment	(1) Social Justice and Empowerment (2) Tribal Affairs

**FORM FOR SEEKING NOMINATION OF MEMBERS OF PARLIAMENT ON COMMITTEES, COUNCILS,
BOARDS, COMMISSIONS ETC, SETUP BY THE GOVERNMENT**

1. Name of the Committee, Council, Board, Commission etc.
2. No. of members of Parliament required to be nominated (ratio between the Lok Sabha and the Rajya Sabha, if any)
3. The source of authority under which the body is set up (namely, statute, resolution order, decision of the Government etc.)
4. (i) Is the body being constituted for the first time or being reconstituted?
(ii) In case of reconstitution please indicate
 - (a) the name of all the MPs nominated earlier, and
 - (b) How and when the vacancies have arisen?
5. The functions of the body in brief.
6. The date of expiry of the earlier term (in case of reconstitution of the body)
7. The present term of the body from _____ to _____
8. The term of the members of Parliament to be now nominated on the body from _____ to _____
9. The entitlements of the members of Parliament nominated on this body:
 - (a) Honorarium
 - (b) Travelling Allowance
 - (c) Daily Allowance
 - (d) Any other allowances perquisite, facilities etc.
10. Who will preside over the meetings of the body?
11. Name and designation (with office address and telephone No.) of the Joint Secretary/Deputy Secretary concerned with this subject in the Ministry.

Signature _____

Designation _____

Telephone No. _____

Note: Notification regarding the nomination of the members of Parliament on this body should be issued within a reasonable time and a copy thereof endorsed to the Ministry of Parliamentary Affairs.

**REGISTER OF MATTERS RAISED UNDER RULE 377/RULE 180A-E
(Special Mention) IN PARLIAMENT**

(To be maintained by the Parliament Unit)

Lok/Rajya Sabha Session_____Ministry/Department of _____

Sl. No.	Date	Reference	Subject matter and the name of MP who raised it	Name of the section concerned with the matter	No. and date of the communication of the section under which reply sent to MP under intimation to Ministry of Parliamentary Affairs & the Lok/Rajya Sabha Secretariat	Remarks
1	2	3	4	5	6	7

Col.2 Show date on which the matter was raised.

Col.3 Show the Lok/Rajya Sabha Secretariat and Ministry of Parliamentary Affairs communications with which it was received.

**REGISTER OF MATTERS RAISED UNDER RULE 377/RULE 180A-E
(SPECIAL MENTIONS) IN PARLIAMENT**

(To be maintained by the section concerned)

Lok/Rajya Sabha Session _____ Section _____

Sl. No	Date	Reference	Subject matter and the name of MP who raised it	No. and date of the communication under which reply sent to MP under intimation to Ministry of Parliamentary Affairs & the Lok/Rajya Sabha Secretariat	Remarks
1	2	3	4	5	6

Col.2 Show date on which the matter was raised.

Col.3 Show the Lok/Rajya Sabha Secretariat & Ministry of Parliamentary Affairs communications with which it was received.

Proforma for supply of information regarding addresses and telephone numbers

Name of the Ministry/Department _____

Name of the Minister/Minister of State/Deputy Minister/ Secretary of the Ministry/ Officers in-charge of Parliamentary work/ Parliament Assistant	<u>Office</u>				Residence	
	Ministry		Parliament House		Address	Telephone No
	Room No.	Telephone No./ Fax No.	Room No.	Telephone No./ Fax No.		
I. Minister II. Minister of State III. Deputy Minister IV. Secretary of the Ministry V. Officers in-charge of Parliamentary work Deputy Secretary Under Secretary Section Officer Parliament Assistant						

Copy (in triplicate) to the Ministry of Parliamentary Affairs.

D.O. No. 73/2/5/85-Cab

मंत्रिमण्डल सचिव
Cabinet Secretary
New Delhi

April 25, 1985

My dear Secretary,

Cabinet Secretariat receives from time to time references from Ministries/Departments enquiring as to weather a specific Parliament Question should be answered by one or the other Ministry/ Department. The Allocation of Business Rules, 1961, attempt to describe the responsibility of individual Ministries/Departments. But they certainly cannot be exhaustive and some doubts can still remain.

2. It should initially be the endeavor of Secretaries to discuss with their colleagues to resolve such issues. References should be made to the Cabinet Secretariat only if these differences cannot be resolved by mutual discussion. While sending a reference mention should be made about such discussion having taken place and to the extent possible the view-point of other Ministries/Departments may also be indicated.

3. Such a reference to the Cabinet Secretariat should also be after obtaining approval of the Secretary and should specifically mention so.

Yours sincerely,

Sd/
(P. K. Kaul)

To

All Secretaries to the Govt. of India
(by name)

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