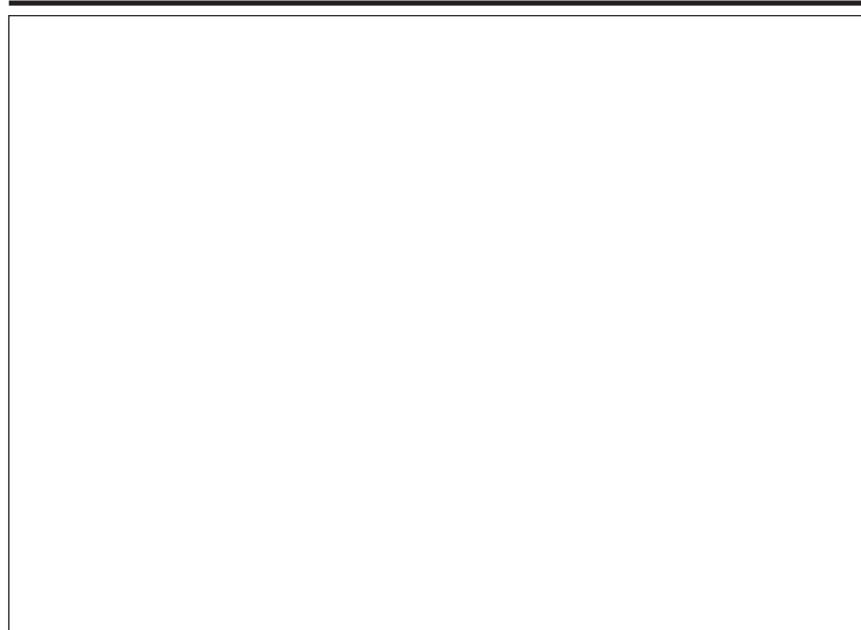




RAJYA SABHA
PRACTICE & PROCEDURE SERIES

15

**COMMITTEE ON PAPERS
LAID ON THE TABLE**



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ON THE TABLE**

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PREFACE

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to provide, in brief, the procedure and functioning of the 'Committee on Papers Laid on the Table' of the House. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha and some of the important Reports submitted by the Committee to the House from time to time. The booklet is intended to serve only as a handy guide for ready reference and the information contained in it is not exhaustive. For full and authentic information original sources may be referred to and relied upon.

New Delhi
February, 2005

DR. YOGENDRA NARAIN
Secretary-General

COMMITTEE ON PAPERS LAID ON THE TABLE

Introduction

A wide variety of papers are laid on the Table of the House. The practice of laying papers on the Table is the logical corollary of Parliament's inherent right to information as well as enforcing executive accountability to it. In certain Central Acts, therefore, specific provisions exist for the laying on the Table of certain documents, including the rules made by the Government in exercise of delegated powers of legislation. Sometimes, Government on their own accord lays on the Table important reports, agreements and other miscellaneous papers with a view to making them public. In order to enforce the accountability of public undertakings, it has been made mandatory for such bodies to lay their annual reports and audited accounts on the Table of the two Houses of Parliament.

Type of papers laid on the Table

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

- (1) Reports or Notifications required to be laid under the provisions of the Constitution, Acts of Parliament and Rules, Regulations, Resolutions/ Orders or papers laid in pursuance of the directions of the Houses or the Committees thereof or the Presiding Officers;

- (2) Reports of the Government Companies established by specific Acts of Parliament or incorporated under the Companies Act, 1956;
- (3) Reports of Societies or Cooperatives framed and financed by the Government, institutions or bodies which are funded by the Government or for which substantial grants are provided by the Government.
- (4) Report of Joint Ventures with the State Government;
- (5) Reports of Government companies under Section 619(A) of the Companies Act, 1956;
- (6) Statements correcting replies to unstarred questions given earlier in the House;
- (7) Any other paper which may otherwise be required to be laid on the Table of the House.

Committee on Papers laid on the Table

Before the constitution of the Committee on Papers Laid on the Table, all matters relating to Papers laid on the Table, like delay in laying a paper and whether there had been compliance of the statutory provisions for laying the paper or whether papers required to be laid on the Table had actually been laid and whether both Hindi and English versions of a paper had been laid, were left to individual members to probe and to raise these points in

the House. Considering the huge volume and variety of papers which are laid on the Table from day to day and the fact that papers to be laid on the Table are not available to members for scrutiny in advance, it was not always possible for members to exercise vigilance in respect of all the aspects of papers laid on the Table. The House by itself was also not in a position to give a closer scrutiny to each and every document laid on the Table. It was in that background that the need to constitute a Committee on Papers Laid on the Table was felt and the Committee on Rules in its second report presented to Rajya Sabha on 16 May 1979, recommended for the constitution of the Committee on Papers Laid on the Table. The second report was agreed to by Rajya Sabha on 24 December 1981. The Gazette notification to that effect was made on 15 January 1982. While incorporating the rules relating to the constitution and functions of the Committee viz., Rules 212H to 212O in the Rules of Procedure and Conduct of Business in Rajya Sabha, a provision has been made that a member wishing to raise any of the matter which comes within the purview of this Committee shall refer it to the Committee and not raise it in the House.

The Committee on Papers Laid on the Table was constituted for the first time on 3 March 1982. It consists of ten members nominated by the Chairman. Its normal tenure is one year but continues to hold office until a new Committee is nominated.

Functions of the Committee

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

- (a) whether there has been compliance with the provisions of the Constitution or the Act of Parliament or any other law, rule or regulation in pursuance of which the paper has been so laid;
- (b) whether there has been any unreasonable delay in laying the paper before the House and if so, (i) whether a statement explaining the reasons for such delay has also been laid before the House along with the paper, and (ii) whether those reasons are satisfactory; and
- (c) whether the paper has been laid before the House both in English and Hindi and if not, (i) whether a statement explaining the reasons for not laying the paper in Hindi has also been laid before the House along with the paper, and (ii) whether those reasons are satisfactory.

The Committee also performs such other functions in respect of the papers laid on the Table as may be assigned to it by the Chairman from time to time. The Committee has the power to require the evidence of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties. Under Rule 212N, the Committee determines

its own procedure in connection with all matters connected with the examination of papers laid on the Table. It is left to the discretion of the Committee to treat any evidence tendered before it as secret or confidential. The Committee may undertake on-the-spot study tours of the institutions or bodies whose annual reports or audited accounts are required to be laid before the Parliament in compliance with the provisions of the Constitution, Act, Rule, Regulation, etc. or in pursuance of some recommendations of a Parliamentary Committee.

General recommendations of the Committee

Immediately after its constitution, the Rajya Sabha Committee on Papers Laid on the Table addressed itself to the task of examining the reports and accounts of the Public Undertakings and statutory corporations under the Central Government and in this context also examined the Public Enterprises Survey prepared by the Bureau of Public Enterprises. The first report of the Committee presented to the House on 11 August 1982 contains valuable recommendations. Some of these recommendations are as under:-

The Committee recommends that the copies of the Annual Reports and audited accounts of the Public Undertakings established by Acts of Parliament or Government Companies incorporated under the Companies Act, 1956 or Societies registered under

the Societies Registration Act, 1860 or any other organization/board for which annual reports, etc. are to be placed on the Table of the Houses of Parliament together with the Report/Review/Comments of the Auditor and the Comptroller and Auditor General of India wherever necessary and the Report/Review of the Government should be laid within nine months of closure of the accounts. The timely laying of these papers on the Table of the House apprises Parliament of the functioning of the Public Enterprises.

If there is likely to be a delay in laying a paper within the stipulated period, the administrative Ministry should approach the Committee sufficiently in advance for extension of time by explaining the reasons for doing so. A reference should be made to the extension given by the Committee in the paper when laid.

The Committee is of the opinion that the Reports of the Public Undertakings/Companies/Societies, etc. that are laid on the Table of the House should include the following:

- (i) Annual Report;
- (ii) Audited Accounts;
- (iii) Comments by the Comptroller and Auditor General of India wherever given;

- (iv) Review by Comptroller and Auditor General of India whenever given;
- (v) Reply to the observations of the Auditor and to the comments and review of Comptroller and Auditor General of India;
- (vi) Report to the Government under section 619A in respect of Government Companies and also the review in respect of other institutions for which the Reports are laid by the Government; and
- (vii) Annual budget of Government Company/ Organisation to be presented to Parliament.

The Committee desires that efforts should be made to bring the financial year of the company/institution *at par* with that of the Government.

The Committee recommends that wherever parts of the requirements are fulfilled, there should be a clear indication in the Government's note on the non-fulfilment of the other parts. Later, when the remaining parts are laid on the Table, reference should be made to the particulars of earlier fulfilment of other parts.

The Committee recommends that all the documents/statements laid on the Table of the House should bear the place, date and the name of the signatory with the designation.

The Committee desires that the statements made and information given in the papers laid on the Table should be consistently accurate, adequate and comply with the requirements of the provisions of the Constitution/Statutes/Acts/Rules/Regulations/Resolutions/Orders/Directions. The Committee will treat a paper as incomplete, if any requirement is not fulfilled.

The Committee impresses upon the Ministries/ Departments that ordinarily both the English and Hindi versions of reports/documents should be laid on the Table simultaneously. In exceptional cases, however, where it is not possible to lay both the versions simultaneously, the Ministry/Department 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 facts of the Report in the first version, English or Hindi, having been laid on the Table earlier on a particular date.

As regards the laying of the English and Hindi versions of a paper simultaneously on the Table, the Committee

examined the issue in the context of practical difficulties of translation and recommended that—

Ministries/Departments should lay both Hindi and English version of the papers simultaneously on the Table of the House unless they get a waiver from the Chairman, Rajya Sabha, permitting them to lay a particular document in one version only. The request to the Chairman for such a waiver should give the reasons for not laying the other version and also indicating the time that would be taken for submission of the other version. Further, the other version should be laid on the Table of the House in the same session or during the first week of the next session along with a statement inviting attention to the fact that the report in the other version having been laid on the Table earlier on a particular date.

The Committee has also directed that annual reports and audited accounts together with review statements and delay statements, if any, be laid on the Table of the House simultaneously so as to present to Parliament, at a given time, a complete and fair picture on the working of the organization.

The Committee has also directed that in all compelling circumstances of delayed laying, the Committee should be approached invariably by the administrative Ministry for seeking extension of time. The Committee, however, feels that such seeking extension of time

shall not be made a practice and should be avoided as far as possible. The statements giving reasons for delay should contain information, in chronological order setting forth the dates of compilation of accounts, their submission to Audit, receipt of draft Audit Report, replies given to audit queries, receipt of final Audit Report, translation and printing of Accounts and their submission to the Ministry for laying on the Table of the House, so that the House may identify the stages, causes and extent of delay and suggest remedial measures wherever required.

Suggestions/observations made by the Committee are recommendatory in nature. It is for the Government to accept these recommendations or not. Wherever recommendations are not acceptable to Government, it should furnish reasons therefor and the Committee after examining the issue may submit an Action Taken Report in the matter to the House.

The Committee has till the end of 200th Session presented 93 reports to the House.