

particular motion before the Council and if the motion is carried, the rule in question shall be suspended for the time being.

It is said that the election is by a motion and this rule enables a rule to be suspended.

It is true that rule 7 in Chapter III under which the election is held uses the word "motion", but rule 7, sub-rules (3) and (4), which are sought to be waived, cannot be waived. Sub-rule (3) cannot be waived because a member must move his motion; otherwise there will be no election. He can only withdraw his motion. There is no escape from this. In so far as sub-rule (4) is concerned, it provides that each motion in turn shall be put to the vote of the House and adds "if necessary by division". The procedure of division follows first a voice vote, next a head count and then recording of votes by going into the Lobbies, or by operating the automatic vote-recorder. If sub-rule (4) of rule 7 is to be suspended, then rules 252 to 254 must also be suspended.

The lawyers here - and there are many here - will recall a famous observation of a Law Lord which is used every day in courts and which expresses the rule in extremely elegant words. It is : "When the law prescribes a certain mode for doing a thing, it must be done in that way or not at all: other modes of doing are necessarily prohibited". The step-to-step procedure of division must be followed, unless I or anyone has the jurisdiction to make a new rule. None of us can enact an *ad hoc* rule. Therefore, the existing rule alone must be followed and no other mode of compliance can be devised.

Thus, according to the precedent and the reason of the rules, the election shall be according to the procedure prescribed.

(R.S. deb. dt. 30.7.1980, Cols. 165-66)

CHIEF MINISTERS

132. Chief Ministers: No provision of bringing a substantive motion against a Chief Minister

On 7 December 1987, while Shri N. K. P. Salve was participating in a discussion on the reported remarks by the Home Minister against the Chief Minister of Andhra Pradesh, he said certain things that Shri S. P. Malaviya found objectionable. Quoting rule 238 from the Rule Book he said that the conduct of those people who were in high authority could not be discussed without a substantive motion.

Ruling out the point of order of Shri Malaviya, the Deputy Chairman remarked:

Shri Satya Prakash Malaviya has raised a point of order that allegations against a Chief Minister or conduct of a Chief Minister cannot be discussed unless there is a substantive motion. But for his information I would like to point out that there is no such provision of bringing a substantive motion if a Chief Minister is to be discussed. In the past on 21 December 1964, a motion was there and it was discussed against the Chief Minister of Punjab; against the former Chief Minister of Orissa, Shri Biju Patnaik, a calling attention was brought and there were some corruption charges against him and the Chief Minister's conduct was discussed.

(R.S. deb. dt. 7.12.1987, Cols. 308-09)

COMMISSION OF INQUIRY

133. Commission of Inquiry: Commission of Inquiry is not a court of law

On 19 November 1969, when a question regarding communal disturbances in Ahmedabad was taken up, Shri K. S. Chavda rose on a point of order and submitted that the question should not be allowed. He argued that a Commission of Inquiry had been appointed to inquire into the causes and course of the communal disturbances, which in his view was a judicial commission, and no member, according to the Rules of procedure in the House, should refer to any matter on which a judicial decision was pending.

The Chairman ruled the point out of order and observed:

Rule 47(2) (xix) says: "it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India". A Commission is not a court of law, and if at all, this question could be raised not at this stage but later when there is discussion.

(R.S. deb. dt. 19.11.1969, Cols. 435-36)

134. Commission of Inquiry: Motion seeking to set up a Commission of Inquiry can be moved in Rajya Sabha

Dealing with the demand made by some members that the correspondence exchanged recently between the Prime Minister and the former Home Minister, Shri Charan Singh, should be laid on the Table of the House, and that the House should take up immediately for discussion the two motions admitted by the Chairman as "no-day-yet-named-motions", relating to the setting up of Commissions of Inquiry into the allegations mentioned in the said correspondence, the Chairman observed:

Two points were raised in the House. The first dealt with notices of motions given by some members regarding tabling of the correspondence between the Prime Minister and the former Home Minister, Shri Charan Singh. Members are aware that this

issue has been raised practically every day in the House since the session commenced on the 17th of the last month. On July 27, 1978, I announced my decision that leaders of the various parties, groups and some other members of Rajya Sabha may peruse the said correspondence in the Chairman's room. I made this announcement after consulting all the leaders who attended our meetings; and after I made the announcement in the matter, the House accepted it and nobody opposed it. In view of this, I am of the opinion that the demand made in the said motions given notice of by these members regarding tabling of the said correspondence does not arise.

The second point relates to the two motions, one by Shri Sharma and two other members and the other by Shri Salve, admitted as "no-day-yet-named motions" by me relating to appointment of Commissions of Inquiry. Some members have written to me about the admissibility of these two motions. I may point out that Rajya Sabha had discussed on April 27, 1963 a private member's resolution regarding the appointment of a Commission under the Commissions of Inquiry Act, 1952. That resolution was negatived by the House. On an earlier occasion in 1961, a resolution given notice of by a private member regarding the appointment of a Commission under the Commissions of Inquiry Act was admitted and it secured a place in the ballot on two occasions but did not reach for discussion.

Now under rule 172 of the Rules of Procedure, the Chairman is to allot time and date for discussion of the motion in consultation with the Leader of the House. I have consulted the Leader of the House and Shri Salve's motion will come up for discussion on Thursday, the 10th instant.

(R.S. deb. dt. 3.8.1978, Cols. 206-17)

COMMITTEES

APPOINTMENT OF INQUIRY COMMITTEE

135. Committees: Appointment of Inquiry Committee: Depends upon the Government's willingness to seek advice and guidance from the Committees as well as the stipulation of the motion calling upon the Chairman to appoint such Committees

On 10 August 1978, a motion moved by Shri N. K. P. Salve was adopted by Rajya Sabha for appointment of a Committee of the House or alternatively two separate Commissions of Inquiry to inquire into allegations of corruption made against members of families of the Prime Minister and the former Home Minister. The Chairman made a reference to the Government for an indication whether in the first instance the Government was going to accept the suggestions made in the motion. Upon this reference, the Government announced that it was not thinking of appointing any Commission of Inquiry whatsoever.

The Chairman then made the following ruling on 29 August 1978, which he had reserved earlier:

I had stated that the motion adopted by the House on the 10th August, 1978, was a recommendation addressed to the Government to, *inter alia*, seek the guidance and advice from a Committee to be appointed by the Chairman. I had also stated that the question of appointment of a Committee by me would depend on the indication as to which one of the two alternatives mentioned in the motion was acceptable to the Government. The Prime Minister had accordingly made a statement in the House on the 24th August, 1978.

I have carefully gone through the statement made by the Prime Minister as well as the various views expressed by members in the House in the matter. It is evident from the Prime Minister's statement that neither of the two alternatives mentioned in the motion has been accepted by the Government. According to my reading of the 10th August, 1978 motion, constitution of the Committee by me is dependent upon the Government showing willingness to seek advice and guidance from it, which the Government have declined. The motion also does not stipulate

that the Committee should be appointed by me even if the Government decline to accept any of the two alternatives mentioned therein. I am, therefore, of the opinion that in the circumstances I am not called upon to appoint such a Committee in terms of the said motion.

(R.S. deb. dt. 29.8.1978, Cols. 6-7)

136. Committees: Appointment of Inquiry Committee: Decision rests with the Government

On 31 August 1978, while speaking during the course of a discussion on short notice question no. 8, in regard to unloading and loading of imported cement at ports, Shri Buddha Priya Maurya made certain charges against the Minister of Industry and his personal staff and wanted that a Committee of the House should go into the matter. The Minister of Industry, Shri George Fernandes, offered to place all the concerned files before the Chairman for him to take decision. He also made a suggestion that all the leaders of the Opposition may constitute themselves into a Committee and that he would appear before the Committee.

Then the Chairman observed as follows:

Even now, if he is prepared to form a Committee, it is up to him. He has made a suggestion that he is prepared to place all the files with the Chairman. I am not prepared to accept this position. I do not want any files to be with me and I do not want to be an arbitrator on it. Secondly, when files are placed on the Table of the House, they become public documents. Then, perhaps, it may be difficult for us to agree here. Therefore, if he is accepting it, let him suggest the names of the members who should be the members of the Committee.

(R.S. deb. dt. 31.8.1978, Cols. 3-32)

BUSINESS ADVISORY COMMITTEE

137. Committees: Business Advisory Committee: Decisions of the Business Advisory Committee are recommendatory and are subject to other rules of business in the House

On 9 May 1958, Shri Bhupesh Gupta, rising on a point of order, submitted that according to the announcement in the Council by the

Deputy Chairman on 6 May 1958, reproduced in Bulletin no. 4596, the two-hour discussion on the food situation figured as the last item in the recommendations of the Business Advisory Committee regarding allotment of time for the Government and other business for the remaining part of that session. But that for some unknown reason it did not figure in the list of business circulated by the Secretariat. Quoting rule 28(H)* of the Rules of Procedure and Conduct of Business in Rajya Sabha he submitted that no variation in the allotment of time given by the Business Advisory Committee should be made except on the request of the Leader of the Council who should notify orally to the Council that there was general agreement for such variation, but that in the case in point, the Leader of the Council had not mentioned anything about any possible change in the allotment of time given. In view of this, Shri Gupta felt that the rights of members had been violated by this exclusion, constituting a breach of his privilege and of the House.

The Deputy Chairman said:

Mr. Bhupesh Gupta began with making a submission and ended by raising a privilege motion. Privilege motions have to be raised in a particular manner with proper notice and at a proper time. But so far as the recommendations of the Business Advisory Committee are concerned, they are only recommendatory and they are subject to other rules of business of the House. Mr. Bhupesh Gupta's motion regarding discussion on the food situation has been admitted as a 'no-day-yet-named' motion, and as regards such motions, the Chairman has to fix the time in consultation with the Leader of the House, and that is being done, and this recommendation of the Business Advisory Committee is subject to that rule, and are waiting for a communication from the Leader of the House, and if that comes forth before tomorrow's time, it may be included. But the rules do not say that because it is included in the recommendations of the Business Advisory Committee, it must be taken up. It can be taken up only subject to other conditions. Therefore, there is no point of order, so far as this matter is concerned.

(R.S. deb. dt. 9.5.1958, Cols. 2129-32)

* Old rule

138. Committees: Business Advisory Committee: Discussion in the House on the deliberations of the Business Advisory Committee is not proper

On 13 December 1978, when some members wanted to raise a discussion as to how the Business Advisory Committee formulated its recommendations, the Deputy Chairman observed:

It is really not proper to discuss who said what in the Business Advisory Committee or for that matter in any Committee. The only thing that should concern is the final report as it emerged and if there are any differences regarding the final report as it came, because..that is the only relevant thing which we should consider. If we go on discussing what was one person's impression or what was the other person's impression, it would not solve anything. The only way to set things right is to go back to the Business Advisory Committee and put it before it. That is the only way...You should raise it in the Business Advisory Committee.

(R.S. deb. dt. 13.12.1978, Cols. 219-22)

139. Committees: Business Advisory Committee: Government has to abide by the decision of the Committee

On 11 March 1999, during a discussion regarding 'Removal of Naval Chief and Allegations', the Leader of the Opposition, Dr. Manmohan Singh, expressed his view that the House should be given an opportunity to discuss the issues of resignation of the Naval Chief and also the functioning of some other Ministries as these had caused a great deal of worry and concern to the members as well as the public at large. Even the Prime Minister had not touched upon these issues during his address to the House. Under rule 170 an opportunity to discuss both these issues was sought. Many other members also shared his concern. In the meantime, the Prime Minister, Shri Atal Bihari Vajpayee, wanted to speak on the issue but was

constantly interrupted by some members. On this Shri M. Venkaiah Naidu wished to raise a point of order, but was interrupted by other members. The Deputy Chairman then read rule 170 and other related rules and then called Shri Venkaiah Naidu to make his point of order. His point of order was that without any rule and without any provision, members were obstructing the House and stalling the business of the House, so the Business Advisory Committee should meet and fix the time for the discussion.

At this, the Deputy Chairman observed:

According to the rule, in the absence of the Leader of the House, it is a collective responsibility. The Minister of State of Parliamentary Affairs, who has been assigned to our House, has committed himself that whatever decision is taken at 4.30 p.m., the Government would abide by that...That is where they stand. The only thing we have to find out is, whether we discuss it tomorrow, the day-after-tomorrow, Monday, Tuesday or Wednesday. Only the time has to be decided. The subject is accepted by the Government.

(R.S. deb. dt. 11.3.1999, Cols. 250-62)

COMMITTEE ON GOVERNMENT ASSURANCES

140. Committees: Committee on Government Assurances: Delay in fulfilling Government assurance to be looked into by the Committee on Government Assurances

On 19 February 1981, during the course of laying of papers Dr. Bhai Mahavir raised a point regarding inordinate delay in fulfilling Government assurances and not taking the assurances seriously.

The Deputy Chairman remarked as follows:

The Committee on Government Assurances will look into the matter that has been raised by Dr. Bhai Mahavir.

(R.S. deb. dt. 19.2.1981, Cols. 408-11)

COMMITTEE ON PUBLIC ACCOUNTS

- 141. Committees: Committee on Public Accounts: When the Government finds itself in disagreement with the Public Accounts Committee, no interim statement is to be made. Their comments should be sent to the Public Accounts Committee and if there is an unresolved difference of opinion between the Government and the Public Accounts Committee, a statement may be made in Parliament to enable it to come to its own conclusions**

On 27 July 1966, the Minister of Finance, Shri Sachindra Chaudhuri, made a statement in reply to a calling attention notice of Shri M.P. Bhargava regarding certain observations contained in the Fiftieth Report of the Public Accounts Committee in relation to a former Secretary of the Ministry of Iron and Steel and the reported decision of the Government of India to go ahead with the posting of that officer as India's Ambassador at Brussels. In that statement the Finance Minister, in the light of the enquiries he had made, had justified the actions taken by the then Secretary, Ministry of Iron and Steel, in spite of the criticisms made against him by the Public Accounts Committee. Shri Chandra Shekhar rising on a point of order, said that according to rulings given both in India and in the British House of Commons no Minister was competent to make any statements commenting upon the decisions and findings of the Public Accounts Committee. If any Government Department were to question the findings of the Public Accounts Committee, then the matter should be taken up with the Committee only. Shri Bhupesh Gupta supporting the point of order, said that the findings of the Public Accounts Committee were not to be challenged or refuted by the Ministers of the Government, and by doing that the Finance Minister had brought the Public Accounts Committee of Parliament into disrepute and thus committed contempt of Parliament. Shri M.N. Kaul submitted that when the Government did not agree with the views expressed by the Public Accounts Committee, no publicity should be given to the matter and that if finally the Government and the Public Accounts Committee differed in their views, Parliament was always there to study both sides of the matter and come to its own conclusion. In his view, generally, in such cases there was no interim

statement made by the Government in Parliament, even though in all fairness to the Finance Minister it should be said that he did not make the statement of his own accord but in response to a calling attention notice admitted by the Chairman.

After hearing Shri B. K. P. Sinha, Shri M. M. Dharia, Shri A. P. Chatterjee, Shri A. D. Mani and Shri Lokanath Misra, the Chairman observed:

I want to wind up this discussion which has grown into a debate. There is no point of privilege involved. That is number one.

Number two. I appreciate the fact, as was pointed out rightly by Mr. Kaul, that the statement has been made in response to a call attention notice, and therefore we cannot take the view that the Finance Minister has gone out of his way to oppose the Public Accounts Committee.

Number three. The convention referred to again by Mr. Kaul as established during Mr. Mavalankar's time should be continued. The reaction of the Government to the observations of the Public Accounts Committee should be sent to the Public Accounts Committee as the statement says, but their reply should be awaited and the matter decided between the Public Accounts Committee and the Government. Then a statement can be made here. Today we will not discuss the statement made by the Finance Minister. We will take it as if it has not been placed. In the meantime, till the officer is cleared, as the Prime Minister has rightly said, the feeling of this House, I think the unanimous feeling of this House is that no question of appointing that officer to some other post should arise.

(R.S. deb. dt. 27.7.1966, Cols. 407-31)

142. Committees: Committee on Public Accounts: Contempt of House: Mere allegation that facts had been suppressed from the Public Accounts Committee cannot by itself amount to contempt of the House

On 12 August 1966, Shri Bhupesh Gupta and Shri Rajnarain who had given notice of a motion of breach of privilege against the Minister of Food and Agriculture, Shri C. Subramaniam, were allowed by the Chairman to explain their case in the Council. Shri Bhupesh Gupta submitted that Shri Subramaniam and the officers under him for whom

he was responsible deliberately and wilfully resorted to *suppresio veri* and *suggestio falsi* before the Public Accounts Committee, before the Committee produced its Fiftieth Report. Shri Gupta said that the officials of the Ministry and the Minister tried to distort the functioning of the Committee with a view to covering up certain facts. Shri M. C. Chagla, the Leader of the Council, submitted that neither of the two members had made out any *prima facie* case of contempt of the Committee or of Parliament against the Minister of Food and Agriculture and that the issue raised by them was not about privilege, rather it was an investigation into the conduct of the Minister. Shri Subramaniam submitted that the Committee had been helped a lot by his appearance before it and that the two members who had given notice of the motion had not proved that he had committed contempt of the Committee and so of Parliament. The Chairman reserved his ruling.

On 17 August 1966, the Chairman reverting to this subject, ruled:

Shri Bhupesh Gupta and Shri Rajnarain gave notices seeking my consent to raise a question of breach of privilege and contempt of the House against Shri C. Subramaniam, Minister of Food and Agriculture. The question sought to be raised through these notices concerned certain matters which have been the subject of comment by the Public Accounts Committee in its Fiftieth and Fifty-fifth Reports.

At the sitting of Rajya Sabha on August 12, 1966, I permitted Shri Bhupesh Gupta and Shri Rajnarain to make their submissions in order to satisfy me that there was a *prima facie* case for giving consent. I allowed also the Leader of the House and Shri C. Subramaniam to make their submissions in the matter.

I have carefully considered the notices and the submissions made. I have come to the conclusion that no case of breach of privilege or contempt of this House is involved. Members will have an opportunity of expressing their views on the matter contained in the Fifty-fifth Report of the Public Accounts Committee when the substantive motion on the subject which I have already admitted comes up for discussion before this House.

143. Committees: Committee on Public Accounts: Report: Any question regarding the merit of a PAC Report forwarded to be laid on the Table of Rajya Sabha, has to be looked into and decided by the Speaker, Lok Sabha

Shri T. N. Singh laid the 159th Report of the Public Accounts Committee on the Table of the House. Shri V. B. Raju, a member of the Public Accounts Committee raised an objection saying that the Report had not been officially approved by the Public Accounts Committee. He said that he had taken up the matter in the Committee also.

Shri T. N. Singh, also a member of the Public Accounts Committee, said that the Report had already been laid on the Table of Lok Sabha and no objection had been raised there.

Shri Chandra Shekhar said that if Shri Raju had any objection, the real forum for voicing it was the Public Accounts Committee. If he had not been satisfied with the Report, he should have approached the Chairman of Rajya Sabha and discussed the matter privately with him. The member said that after having considered the matter, if the Chairman or the Speaker allowed the Report to be laid on the Table of the House, it would be against all decorum and decency of parliamentary procedure for any member of the Public Accounts Committee to raise an objection. The Reports of the Public Accounts Committee are forwarded by the Secretariat of that Committee to the Secretariat of Parliament. If any objection is raised in the House, it would amount to having no confidence in the whole Secretariat of the Public Accounts Committee and also in the Rajya Sabha Secretariat. He added that Shri Raju had adopted a very unusual procedure which he should not have done.

Shri Raju then said that as a member of the Public Accounts Committee, it was his duty, when the Report had not been finally approved by the Committee, not only to object to its being laid on the Table, but also to inform the House about it. He said that he had not done anything unparliamentary or anything against decorum.

Shri Mohammed Usman Arif, another member of the Public Accounts Committee, agreed with Shri Raju and said that the Report had not been duly approved by the Committee according to the Rules of Procedure. The majority of the members had taken objection to the

Report and it was on record that they had objected to it. It had not been finally adopted.

Shri N. G. Goray observed that it was for the Chairman to go into the question whether an incomplete Report had been forwarded to him and the Secretary, thinking that it was a complete Report, had put it on the agenda paper. But if the Report was not final, Shri Raju was perfectly in order in saying that the Report was not final and that it should not have been laid on the Table of the House. Shri Goray thought that Shri Raju had not committed any impropriety or anything against the decorum of the House.

The Chairman then observed:

The Lok Sabha Secretariat is fully authorized to do it. It has forwarded this to our Secretariat, who have no occasion to go into the merits or demerits of the thing. Since this point has been raised by Mr. Raju, the only authority, according to me, is the Speaker who has got control over this. The relevant portion may be forwarded to the Speaker who will look into this..

The Chairman further observed:

After having heard the arguments advanced on all sides, the best thing, according to me, is to send the entire proceedings relating to the points raised to the Speaker to look into this matter... My Secretariat has no control over the Report. It is the Lok Sabha Secretariat which has full control on this.

We are acting as if we are a post office. Therefore, without knowing the real facts, it is no use discussing the matter. Therefore, the entire proceedings have to be sent to the Speaker to look into it positively. And I shall bring it to the notice of the members of this House.

(R.S. deb. dt. 28.4.1975, Cols. 121-32)

COMMITTEE ON PUBLIC UNDERTAKINGS

144. Committees: Committee on Public Undertakings: It is not necessary to lay the minutes and Report of the Committee on Public Undertakings simultaneously

Shri Mahendra Mohan Mishra laid the minutes of the Committee on Public Undertakings on the Table. Shri Pилоo Mody,

Shri R. Ramakrishnan, Dr. Bhai Mahavir and Shri Sadashiv Bagaitkar raised objection for not laying the Report and minutes of the Committee on Public Undertakings simultaneously on the Table. The members wanted to know the reasons for not laying the Report and minutes simultaneously on the Table.

The Deputy Chairman gave the following ruling:

There is no such rule under which the Report and minutes may be laid simultaneously. They can be laid separately. You will see in the agenda of today that apart from these minutes, four minutes of other Reports have been presented. Their Reports have already been laid on the Table. If the Report is not being laid, then the minutes are laid. Four minutes have been presented today. This is the practice of the House that there will be no discussion on Committee's Reports and minutes. The members of opposition parties are also the members of this Committee and the minutes have been written with their consent. Why do you raise a doubt? First see the minutes and if there is anything wrong in it, then raise the doubt. I think, it will not be proper to cast unnecessary aspersions on the procedure of Committee. Please see that members from opposition parties are also the members of that Committee. You may ask them to go in the Committee and they may raise such questions there and the Committee will look into the matter. This is the practice that no discussion will be held on the Reports of Committees. The Reports are accepted in the same form in which they are laid. Therefore, there should be no doubt and objection in this regard.*

(R.S. deb. dt. 14.7.1982, Cols. 214-17)

CONSULTATIVE COMMITTEES

145. Committees: Consultative Committees: Their documents or discussions not to be referred to in the House

On 4 August 1980, while taking part in the debate on the Finance (No. 2) Bill, 1980, Shri N. K. P. Salve wanted to quote from a document which had been circulated to the members of the Consultative Committee of Parliament attached to the Ministry of Finance. Immediately, Shri Era Sezhiyan raised an objection saying that

* Spoke in Hindi

documents of Consultative Committees should not be quoted in the House.

Thereupon, the Vice-Chairman observed:

I think, Mr. Salve, it is better to put it as 'The Finance Minister at some point of time spelt out...'without referring to the Consultative Committee. What I am saying is, normally we do not refer to documents or discussions in the Consultative Committees. Therefore, without bringing the Consultative Committee on the record, you can spell out what the Finance Minister said. I think then the procedure of the rule will be followed. Do not bring in the Consultative Committee.

(R.S. deb. dt. 4.8.1980, Cols. 223-28)

GENERAL

146. Committees: Committee of the House to look into a matter before the House can be appointed when the Government announces its decision

On 21 August 1978, discussing the motion adopted by the House for appointment of a Committee or alternatively two separate Commissions of Inquiry to inquire into allegations of corruption made against the family members of the Prime Minister and the former Home Minister, Shri Kalp Nath Rai, Shri Dinesh Goswami, Shri Kamalapati Tripathi and others demanded that a Committee of the House should be appointed in accordance with the resolution.

The Deputy Chairman observed:

The Leader of the House has just said that he would give the reaction of the Government with respect to the observation of the Chairman within this week. Points have been raised that it should do it soon, and also...that a Committee should be appointed straightway. But, in view of the observation of the Chairman, I would request the House to kindly wait till the Government announces its reaction in this respect and then we will see what is to be done later.

(R.S. deb. dt. 21.8.1978, Cols. 139-83)

JOINT COMMITTEES

147. Committees: Joint Committee: Member: A new member can be nominated by the House to a Joint Committee after a sitting member has resigned

On 29 August 1985, the House adopted a motion for reference of the Lokpal Bill, 1985 to a Joint Committee of Lok Sabha and Rajya Sabha. Fifteen members were named from Rajya Sabha for the Joint Committee. As some members objected to not having any lady member in the Committee, the Minister of Law and Justice, Shri Asoke Kumar Sen, suggested that a separate motion be moved with the name of a lady member after removing the name of one member from the approved list of members. But members objected to this as it was against parliamentary procedures to remove any name from an adopted motion. Shri Hukmdeo Narayan Yadav referred to rule 72 which suggests that a member resigns first and then the vacancy be filled.

To end the controversy, the Deputy Chairman ruled:

According to rule 72, a person will resign and the vacancy so created will be filled by a lady member.

(R.S. deb. dt. 29.8.1985, Cols. 38-47)