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Members detained under the Preventive Detention Act or under any other law, should obtain the permission of the Council to remain absent from its sittings [378], p. 264.

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The Chair does not decide the constitutionality of a particular Bill, it is to be decided by the House [29, 30, 31, 32, 95], pp. 18-22, 71.

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#### *Amending:*

When an amending Bill is taken up, members can move amendments only to those sections or articles that are sought to be amended by the Bill [1], p. 1.

Even though an amending Bill seeks to amend only a clause of a subsection of a section of the original Act, the whole section becomes open for discussion [2], p. 2.

#### *Amendments:*

Amendments can be allowed to be moved to Bills at shorter notice in exceptional cases at the Chair's discretion [3], pp. 2-3.

Negative amendments are not in order [4], p. 3.

An amendment seeking reference of a Bill to the Select Committee, given without the names of the members of the Committee, cannot be moved [5], pp. 3-4.

Amendment to a motion need not be admitted if the motion itself has been changed [6], p. 4.

Discussion on the Constitution (Amendment) Bill should not be turned into a general debate on the Constitution [7], p. 5.

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Ordinarily period of notice of amendment to a Bill is one day [11], pp. 6-7.

The Chair can allow amendments if notices are given before the consideration stage of the Bill [12], p. 7.

Amendments seeking to amend the parent Act when a Bill merely seeks to continue the life of the Act, are out of order [13, 14, 15], pp. 7-10.

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*Expiring laws continuance:*

Amendments seeking to amend the parent Act when a Bill merely seeks to continue the life of the Act, are out of order [13, 14, 15], pp. 7-10.

*Finance:*

Recommendation of the President is necessary for moving any amendment to any Finance Bill seeking to vary any tax or duty in which the States are interested [18], pp. 11-12.

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*Joint/Select Committees:*

Bills are referred to a new Joint Committee if Lok Sabha is dissolved before the original Joint Committee completed its work [41], pp. 27-29.

When the motion for concurrence to the recommendation of Lok Sabha to join a Joint Committee is taken up -

- (i) number of members should be proportionate to the strength of the different Houses;
- (ii) only very general remarks are to be made; and
- (iii) the House commits itself to the principles of the Bill, if the motion is carried. Members, however, can discuss the principles, the implications, the details, clauses and so on when the Bill comes from Lok Sabha [45], pp. 32-33.

Members whose names have been proposed to serve on a Joint/Select Committee should not speak on the motion for reference of the Bill concerning the Joint/Select Committee [46, 47], pp. 33-34.

To move a motion in the Council for referring a financial Bill to a Select Committee of Rajya Sabha is in order if a motion for referring it to a Joint Committee of both Houses has not been moved in Lok Sabha [48], p. 35.

Members' consent is presumed to have been taken, when notice of motion to refer a Bill to a Select Committee is given [49], p. 36.

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Objection to motion for consideration of a Bill as passed by Lok Sabha, in connection with the required forty-eight hours notice, legislative competence and the subject-matter of the Bill being *sub judice* can be overruled by the Chair [39], pp. 25-26.

*Private member's:*

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**BUDGET :**

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Any point can be raised by any member during discussion on the General Budget [57], p. 42.

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#### BULLETIN:

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#### BUSINESS OF THE HOUSE :

Announcement of business by the Government is not binding on the House. Authoritative decision rests with the Business Advisory Committee [59], pp. 44-45.

The Chairman can withdraw an item from the agenda of a sitting, if the concerned Minister seeks his indulgence to allow more time to check certain facts [116], pp. 84-85.

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### C

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Members can ask questions or clarifications but cannot read letters and papers or give information to the Minister [64], p. 49.

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Members cannot make speeches, they can only seek clarifications during a calling attention [84], p. 62.

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The Chair does not decide the constitutionality of a particular Bill, it is to be decided by the House [ 29, 30, 31, 32, 95], pp. 18-22, 71.

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The Chair does not pronounce on the constitutional validity of documents [96], p. 72.

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Anything said without permission of the Chair, not to be recorded [301, 316], pp. 210, 218.

A member has no right to place any confidential or secret document on the Table of the House which he cannot authenticate and in no case can a member lay any document on the Table without the previous permission of the Chair [436], pp. 309-12.

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#### CHAIRMAN:

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The Chairman can withdraw an item from the agenda of a sitting, if the concerned Minister seeks his indulgence to allow more time to check certain facts [116], pp. 84-85.

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A member's speech need not be recorded when the Chairman is on his legs [126], p. 94.

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The Chairman can permit a Minister to lay a statement on the Table of the House without allowing clarifications at that point of time [159], pp. 125-26.

Members cannot raise any matter for discussion without the previous consent of the Chairman, whether it be a motion for papers or a privilege motion or any other motion [291], pp. 203-04.

Members should not make observations, except with the prior permission of the Chairman [327], p. 224.

No rule can be suspended without the consent of the Chairman [339], pp. 230-31.

The Chairman's permission prevails in the House [354], pp. 241-42.

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Fixing time and date for discussion rests with the Chairman [430], p. 303.

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Members should not display photographs and documents in the House without showing them to the Chairman and getting them authenticated [452], p. 323.

Members to seek the Chairman's permission for giving a personal explanation [484], pp. 352-53.

Members cannot question the right of the Chairman to allow or to disallow a question [584], p. 466.

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#### CHIEF MINISTER(S) :

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#### CLARIFICATIONS :

Members cannot make speeches, they can only seek clarifications during a calling attention [84], p. 62.

The Chairman can permit a Minister to lay a statement on the Table of the House without allowing clarifications at that point of time [159], pp. 125-26.

Clarifications can be sought only with the permission of the Chair [160], p. 126.

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Clarification cannot be sought from a member [165], p. 128.

When a Minister clarifies on a question, he cannot be questioned further on it [166], p. 129.

Clarifications on statements made by Ministers cannot be sought without prior intimation [167], p. 129.

Clarifications on a statement can be sought only on party basis [168], pp. 129-30.

Clarifications on a statement should not be converted into a full discussion [169], p. 130.

Seeking clarifications on the statement made by a Minister is not in accordance with the Rules [413], pp. 287-88.

Members can seek clarifications only after the statement has been made and not when the announcement about making the statement is made [415], pp. 288-89.

Minister may reply to the clarification the next day, if he happens to be busy in the other House [416], p. 289.

Members can seek clarification on a *suo motu* statement made by a Minister [419], pp. 290-91.

No clarification should be sought after the Minister's reply [421], p. 292.

Members can seek clarifications after the Prime Minister's reply to the debate on the Motion of Thanks [525], p. 387.

#### COMMISSION OF INQUIRY :

Commission of Inquiry is not a court of law [133], p. 103.

Motion seeking to set up a Commission of Inquiry can be moved in Rajya Sabha [134], pp. 103-04.

Appointment of two separate Commissions of Inquiry to inquire into allegations of corruption against the family members of the Prime Minister and those of the former Home Minister is in order [423], pp. 293-95.

Laying of Interim Reports of the Commission of Inquiry on the Table of the House is in Order [435], p. 309.

#### COMMITTEES :

Members should not refer to matters which are specifically under the scrutiny of a Committee before it has submitted its Report, as the Government would not be in a position to reply to the points so raised [201], pp. 149-50.

*Appointment of Inquiry Committee:*

The Government to indicate its response to the two alternatives mentioned in a motion adopted by the House before the Chair takes a decision [102], pp. 75-76.

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 [135], pp. 105-06.

Decision rests with the Government [136], p. 106.

Committee of the House to look into a matter before the House can be appointed after the Government's reaction is known [146], p. 116.

*Business Advisory Committee:*

Usual practice is to consider only those Bills which have been recommended by the Business Advisory Committee [28], p. 18.

Announcement of business by the Government is not binding on the House. Authoritative decision rests with the Business Advisory Committee [59], pp. 44-45.

Decisions of the Business Advisory Committee are recommendatory and are subject to other rules of business in the House [137], pp. 106-07.

Discussion in the House on the deliberations of the Business Advisory Committee is not proper [138], p. 108.

The Government has to abide by the decision of the Business Advisory Committee [139], pp. 108-09.

Time for private members' business may also be allotted by the Business Advisory Committee [540], pp. 398-99.

*Committee on Government Assurances:*

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*Committee on Papers Laid on the Table:*

Notification with financial implications issued on the eve of the Budget may be referred to the Committee on Papers Laid on the Table of the House for factual examination [459], pp. 328-30.

*Committee of Privileges:*

Matter regarding insult to and injury sustained by a member of the House is referred to the Privileges Committee of the House [561], pp. 433-34.

*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 [141], pp. 110-11.

Mere allegations that facts had been suppressed from the Public Accounts Committee cannot by itself amount to contempt of the House [142], pp. 111-12.

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 [143], pp. 113-14.

*Committee on Public Undertakings:*

It is not necessary to lay the minutes and Report of the Committee on Public Undertakings simultaneously [144], pp. 114-15.

Question of breach of privilege arising in connection with the Committee on Public Undertakings need not be taken up in Rajya Sabha [557, 558], pp. 422-32.

*Consultative Committees:*

Their documents or discussions not to be referred to in the House [145], pp. 115-16.

*Joint/Select Committees:*

An amendment seeking reference to a Bill to the Select Committee, given without the names of the members of the Committee, cannot be moved [5], pp. 3-4.

Bills are referred to a new Joint Committee if Lok Sabha is dissolved before the original Joint Committee completed its work [41], pp. 27-29.

When the motion for concurrence to the recommendation of Lok Sabha to join a Joint Committee is taken up -

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Members whose names have been proposed to serve on a Joint/Select Committee should not speak on the motion for reference of the Bill concerning the Joint/Select Committee [46, 47], pp. 33-34.

Moving a motion in the Council for referring a financial Bill to a Select Committee of Rajya Sabha is in order if a motion for referring it to a Joint Committee of both Houses has not been moved in Lok Sabha [48], p. 35.

Members' consent is presumed to have been taken, when notice of motion to refer a Bill to a Select Committee is given [49], p. 36.

A new member can be nominated by the House to a Joint Committee after a sitting member has resigned [147], p. 117.

#### COMPTRROLLER AND AUDITOR GENERAL:

Comptroller and Auditor General cannot be criticized in the House except on a substantive motion [170], pp. 130-31.

#### CONDUCT OF PERSONS IN HIGH AUTHORITY:

Comptroller and Auditor General cannot be criticized in the House except on a substantive motion [170], pp. 130-31.

Mentioning the very fact of exceeding the prescribed expenditure by a Governor may be allowed, but not a discussion of his conduct [171], p. 131.

Governor's conduct cannot be discussed in the House till the proclamation issued by the President in respect of a State is placed before the House [172], p. 132.

Members cannot discuss the conduct of judges of the Supreme Court or a High Court in the discharge of their duties [173, 174], pp. 132-33.

Members cannot make any reflection on the conduct of persons in high authority except on a substantive motion drawn in proper terms [175, 176], pp. 133-35.

Members should not speak against people in high offices [177], p. 135.

Conduct of the President should not be discussed in the House [178], p. 136.

#### CONFIDENTIAL/SECRET DOCUMENTS :

Names of firms under CBI investigation should not be disclosed in public interest [256], p. 180.

Members should exercise discretion in the use of secret material [260], pp. 182-83.

A member has no right to place any confidential or secret document on the Table of the House which he cannot authenticate and in no case can a member lay any document on the Table without the previous permission of the Chair [436], pp. 309-12.

The Government has to decide whether it is in the public interest to place a document on the Table of the House or not; it is better to decide it in consultation with the Chairman [447], p. 319.

Laying of the CBI Report on the Table is not allowed [464], pp. 334-35.

Perusal of the CBI Report by leaders of the Opposition is permitted under oath of secrecy [635], pp. 497-99.

#### CONVENTIONS :

Members should not wear any kind of badge inside the House [349], p. 239.

Nobody can ask questions about loan transactions of any one individual [350], p. 240.

Members can criticize only Ministries and the Government, not officers thereof [351], p. 240.

Minister cannot directly address a member, he has to address the Chair only [352], pp. 240-41.

Members can ask questions after the Minister replies to the calling attention [353], p. 241.

The Chairman's permission prevails in the House [354], pp. 241-42.

How the House is conducted, cannot be discussed on the floor of the House [355], p. 242.

Members should not interrupt the Leader of the House [356], pp. 242-43.

#### COURTS :

The question whether a particular Bill is *ultra vires* the Constitution will be decided by courts [23], p. 15.

Members cannot discuss the conduct of judges of the Supreme Court or a High Court in the discharge of their duties [173, 174], pp. 132-33.

Merits of a judgement of the High Court/Supreme Court should not be discussed in the House [218], pp. 161-62.

Merits of a judgement of the High Court/Supreme Court should not be discussed in the House but its implications for the people can be pointed out [219], p. 162.

Documents used as evidence in the courts should not be quoted [244], pp. 174-75.

Quoting from court's judgement which is a public document, is permitted [246], p. 175.

The decision of the Supreme Court shall be final in disputes arising out of the election of the President [510], p. 367.

#### D

#### DEBATES :

While seeking clarification on any matter, members should not turn the discussion into a debate [161], pp. 126-27.

Members can ask for further clarifications during a debate [162], p. 127.

The House cannot be guided by statement reported by somebody [192], pp. 142-43.

Matters pertaining to Centre-State relations should be raised through a substantive motion instead of a special mention for better debate [195], pp. 144-45.

Any matter which is likely to be discussed in a substantive manner in any of the later proceedings, mere motion on it is not allowed [196], pp. 145-46.

Every member is entitled to express his opinion even if others do not agree [197], p. 146.

Members should follow the prescribed procedure in case of discrepancy in the reply given by Ministers [198], pp. 146-47.

The Chair has the power to order the irrelevant portions of a speech 'off the record' [199], pp. 147-48.

Members should not refer to matters which are specifically under the scrutiny of a Committee before it has submitted its Report, as the Government would not be in a position to reply to the points so raised [201], pp. 149-50.

A member should not raise a matter on the floor of the House which has occurred outside the House [203], p. 151.

No debate should take place after Minister's explanation [204], pp. 151-52.

A member cannot participate in the debate after his name is withdrawn by the party. Normally, the Chair goes by the list of speakers given by the whips of parties [241], p. 173.

The discussion cannot be started in the House unless the member in whose name the motion stands, moves it [255], p. 180.

A concluded debate is not to be re-opened [310], p. 214.

#### *Allegations:*

Members should not make any allegations against members of Lok Sabha or allegations which they cannot substantiate [148], pp. 118-19.

Allegations against non-members should not be made on the floor of the House [149], p. 119.

Care and caution have to be exercised while making an allegation against a member of the other House [150], pp. 119-20.

Allegation made against the Prime Minister as also its refutation to go on record [151], p. 120.

Allegations against an officer appointed by the Government is an allegation against the Government for which the Government is answerable [152], pp. 120-21.

Allegations against a party and allegations against a person are different things [153], pp. 121-22.

While making an allegation against a Minister, a formal motion should be moved [154], p. 122.

Reading from newspapers is not an allegation made by the member [155], pp. 122-23.

Something said in the House, if it is of a nature of an allegation, has to be substantiated [156], p. 123.

Allegation needs to be substantiated [157], pp. 123-24.

Prior notice to be given to member against whom an allegation is made [158], p. 124.

Member should not make personal charges against other members [297], pp. 206-08.

Member should not be called 'agent of a foreign power' [298], p. 208.

*Confidential/secret documents:*

Names of firms under CBI investigation should not be disclosed in public interest [256], p. 180.

Members should exercise discretion in the use of secret material [260], pp. 182-83.

*Foreign Governments:*

Members can speak on what the Government of India does or does not do and not on what any other foreign Government does or does not do when they refer to foreign policy matters [205], pp. 152-53.

The question whether agreements entered into by the Government with foreign Governments are *ultra vires* the provisions of the Constitution is no bar to the discussion thereof [206], pp. 153-54.

The internal situation of any foreign country cannot be discussed on an independent motion, but the impact of that situation on India can be discussed [259], pp. 181-82.

*Interruptions:*

To be avoided in the middle of a member's speech [268], p. 189.

Ministers should refrain from answering to interruptions [269], p. 189.

To interrupt a Minister repeatedly, is unparliamentary [270], pp. 189-90.

*Language:*

Members can speak in their mother tongue if they do not know either Hindi or English [221], p. 163.

Members must use proper language [314], p. 217.

*Mentioning of names:*

While members have a right to put questions and get all the information required to base their views on any questions they should not ask for the names of the individuals concerned in the matter to be divulged [190], pp. 141-42.

Names not to be disclosed until *prima facie* case has been established [191], p. 142.

Names of persons who are not present in the House need not be mentioned [194], pp. 143-44.

Members should not mention names of persons who cannot defend themselves on the floor of the House [234], p. 169.

Names of members of the other House need not be mentioned [235], p. 170.

Members should not name any one who is not in the House and is unable to defend himself [236], pp. 170-71.

Names of persons not present in the House should not be mentioned [237], p. 171.

Name of the President need not be mentioned during the course of a debate in the House [238], p. 171.

Names of the Government officials should not be mentioned in the House [257], p. 181.

Names can be mentioned if there is a *prima facie* case of injustice or over-justice [258], p. 181.

Names of persons who cannot defend themselves in the House should not be mentioned [296], p. 206.

*Quoting from documents:*

The Chairman can suggest appropriate amendment in a quotation [112], pp. 82-83.

Members can quote from an original document or a certified copy thereof, only if they are prepared to lay it on the Table. Satisfaction of the Chair about its genuineness is also necessary [242], pp. 173-74.

Members should not read from any document, report or letter, unless it is authenticated; they can, however, mention the subject-matter without quoting from the document or letter [243], p. 174.

Documents used as evidence in the courts should not be quoted [244], pp. 174-75.

Anonymous letters should not be quoted in the House [245], p. 175.

Quoting from court's judgement which is a public document, is permitted [246], p. 175.

Quoting from a document without showing it to the Chairman in his Chamber, is not allowed [247], p. 176.

Anonymous publications should not be quoted, but can only be mentioned [248], p. 176.

Only essential extracts, not unnecessary details, of any Report of a Committee or communication need be given [249], p. 177.

A Report is to be authenticated before quoting from it in the House [250], pp. 177-78.

Minister can quote only from official documents [251], p. 178.

Member should not misquote from documents placed on the Table [290], pp. 202-03.

Documents quoted by a Minister need not be placed on the Table, if they are declared by him to be inconsistent with the public interest [445], p. 316.

If a Minister quotes from a document, he can be forced to lay it on the Table; he cannot avoid it; the member, however, cannot be forced to lay

on the table such document; it is entirely the Chairman's discretion [448], pp. 319-20.

A member can refer to any document, but it cannot be laid on the Table unless the Chair permits [449], p. 320.

Reports of the Committees, on the basis of which a Bill has been prepared, need not be circulated to members if the Minister does not want to do so, unless extracts from such Reports are quoted by him [634], p. 497.

*Raising of constitutional points:*

Members are not to raise constitutional points in the House [252], p. 178.

*Rajya Sabha Secretariat:*

If members have any grievance against an officer of the Rajya Sabha Secretariat or anything done in the Secretariat, they should approach the Presiding Officer in his Chamber and not ventilate them in the House [253], p. 179.

Members should not cast aspersions on the Rajya Sabha Secretariat on the floor of the House [254], pp. 179-80.

*Rules:*

Members cannot raise any matter for discussion without the previous consent of the Chairman, whether it be a motion for papers or a privilege motion or any other motion [291], pp. 203-04.

Members cannot raise any matter not on the order paper of the day without the previous concurrence of the Chairman [295], p. 205.

Members not to make irresponsible statements that might harm national interests [300], p. 209.

Cross-talks and whisperings not to go on record unless they form part of the proceedings [302], p. 210.

No member can speak in place of a member who is not present in the House [303], p. 210.

Members should not be addressed in a derogatory way [304], p. 211.

Members should not be allowed to raise their voice in protest without giving notice to the Chairman that they are going to speak [306], p. 212.

Members should not cast reflections on other members who criticise the Government [307], pp. 212-13.

Name of a member of other House not to be taken [308], p. 213.

Names of the officers not to be mentioned [309], pp. 213-14.

A concluded debate is not to be re-opened [310], p. 214.

No issue can be raised without proper notice [311], pp. 214-15.

A member should use the word "alleged" if he is not sure about the involvement of a Minister in some incident [312], p. 215.

Members should confine themselves to the subject-matter while speaking [313], pp. 215-17.

A member cannot obstruct the Minister merely because he differs in his viewpoint with the Minister [315], pp. 217-18.

Running commentary on the proceedings should not be made by any member [317], p. 219.

Members should not obstruct the Minister's reply to a debate [318], pp. 219-20.

Members should not refer to the proceedings of the other House [319], p. 220.

State assembly matters need not be raised in Rajya Sabha [320], pp. 220-21.

Members cannot speak on a matter not before the House [321], p. 221.

No insinuation should be made against those not present in the House [322], pp. 221-22.

Members should abide by the time [323], p. 222.

No member, other than the one who has been allowed by the Chair, can speak [326], pp. 223-24.

Members should not make observations, except with the prior permission of the Chairman [327], p. 224.

Any insinuation on the Office of the Prime Minister which offends the Rules will be removed from the record [328], p. 225.

*State legislatures:*

Members should not question the decision taken by the Speaker of a State legislature but can refer to the general nature of the case without referring to individuals [261], p. 183.

Members should not question or go into merits and demerits of a decision taken by the Speaker of a State Legislature [262], p. 184.

*State matters:*

The House can discuss even a law and order problem falling exclusively in the State sphere, if the situation is an extraordinary one tending to disturb the very safety of India [263], p. 185.

Exclusively State subjects should not be discussed in the House [264], pp. 185-86.

State matters should not be referred to in the House [265], p. 186.

Serious issues pertaining to States can be raised in the House [266], p. 187.

*Union Public Service Commission:*

Limitation on the discussion of the Reports of the Union Public Service Commission [267], pp. 187-88.

## DECORUM AND DIGNITY :

Members must maintain good name and dignity of the House [357], p. 243.

Members must maintain decorum and dignity during discussions [358], p. 243.

Members should maintain decorum and dignity in debates [359], p. 244.

Members must maintain decorum and dignity during discussions [360], pp. 244-45.

Members should cooperate and compromise to avoid disruption of the business of the House [361], pp. 245-46.

Reading of newspapers inside the House is improper and discourteous [362], p. 246.

## DELEGATED LEGISLATION:

Memorandum on delegated legislation is necessary only when a Bill seeks to delegate legislative powers to the President or the Governor and not when it confers executive authority on them [341], pp. 232-33.

## DEFAMATORY/DEROGATORY/DISPARAGING REMARKS:

See Parliamentary Etiquette.

## DEPUTY CHAIRMAN:

Deputy Chairman occupying the Chair represents the Chairman [129], pp. 97-98.

Voting for the election of the Deputy Chairman cannot be by ballot, secret or otherwise; and order of precedence of motions has to be as per the list of business; and according to the date of their receipt [130], pp. 98-100.

Election of the Deputy Chairman has to be conducted as per the procedure prescribed under the Rules [131], pp. 100-01.

**E**

## EXPRESSIONS, PARLIAMENTARY/UNPARLIAMENTARY:

The word 'humbug' is not unparliamentary [179], p. 136.

The term 'errand boy' should not be used for members [180], p. 137.

The word 'committed' is not unparliamentary [181], p. 137.

Use of the word 'irrelevant' is parliamentary [182], pp. 137-38.

'Bluff' and 'bluffer' are parliamentary expressions [183], p. 138.

The word 'fraud' can be used in a certain sense [184], p. 138.

The word 'jamboree' can be used in the proper context [185], p. 139.

Nobody can object to the expression of opinion by other person so long as it is parliamentary [186], p. 139.

Certain words with reference to a Minister and also a party can be unparliamentary [187], p. 140.

The word 'lie' referred to in a news item, is permissible [188], pp. 140-41.

## EXPUNCTION :

The Chairman has powers to order expunction even when he is not presiding over the House [119], pp. 87-89.

It is ridiculous to expunge the Chairman's own words [122], pp. 90-91.

The Chair has the power to order the irrelevant portions of a speech 'off the record' [199], pp. 147-48.

Any insinuation on the Office of the Prime Minister which offends the Rules will be removed from the record [328], p. 225.

**F**

## FOREIGN GOVERNMENTS :

See Debates.

**G**

## GOVERNMENT :

Allegation against an officer appointed by the Government is an allegation against the Government for which the Government is answerable [152], pp. 120-21.

A representative of the Government must be present during discussions [207], pp. 154-55.

The Government should report to the House in case of inability to collect the information [208], p. 155.

When the Houses of Parliament are sitting, Ministers should not announce the decisions of the Government, unless they have been placed before Parliament [209], p. 156.

Every action contemplated by the Government need not be brought to the House before the action is taken [210], pp. 156-57.

The Government can apprise the other House of a matter of public importance if it is not possible to do so in this House [211], pp. 157-58.

Notes of the proceedings of the House may be taken by the Government, not by the Minister; there is no rule that the notes should be taken by Ministers [213], pp. 158-59.

If the Government finds it difficult to make a particular statement in both Houses at the same time, no question of the prestige of either House is involved but it is only a question of practicability [214], pp. 159-60.

The Government has to decide on who should make a statement [216], p. 160.

The Government has the right to make a statement on the floor of the House [217], p. 161.

Budgeting of the time of the House should be properly done by the Government [366], pp. 249-50.

There is no bar on the Government to lay any document it likes; no time limit is prescribed for doing so [451], pp. 321-22.

Raising the tariff of postal articles, etc. by the Government on the eve of the Budget is a question of propriety and not of legality [470], pp. 338-39.

It is for the Government to decide to place on the Table of the House the Proclamation issued under article 356 [515], pp. 375-76.

#### GOVERNOR :

Mentioning the very fact of exceeding the prescribed expenditure by a Governor may be allowed, but not a discussion of his conduct [171], p. 131.

Governor's conduct cannot be discussed in the House till the Proclamation issued by the President in respect of a State is placed before the House [172], p. 132.

House does not get involved in the appointment of a Governor [342], p. 234.

The Report of the Governor of a State on the basis of which the President issues a Proclamation under article 356, need not be placed on the Table [343], pp. 234-35.

#### H

#### HALF-AN-HOUR DISCUSSION :

Members wanting to associate with half-an-hour discussion should give their names in writing [344], p. 236.

Members should give prior intimation to the Chair for asking questions during half-an-hour discussion [345], p. 236

Members cannot go on seeking clarifications on a reply given by the Minister to a half-an-hour discussion [346], pp. 236-37.

Members should ask pointed questions while seeking clarifications during half-an-hour discussion [347], p. 237.

Half-an-hour discussion cannot be postponed to the next day if the House is adjourned for the day for want of quorum [348], pp. 237-38.

Points of order should not be raised during half-an-hour discussion [495], pp. 358-59.

#### HOUSE OF THE PEOPLE :

See Lok Sabha.

#### I

##### INTERRUPTIONS :

To be avoided in the middle of a member's speech [268], p. 189.

Ministers should refrain from answering to interruptions [269], p. 189.

To interrupt a Minister repeatedly, is unparliamentary [270], pp. 189-90.

A member cannot obstruct the Minister merely because he differs in his viewpoint with the Minister [315], pp. 217-18.

Members should not obstruct the Minister's reply to a debate [318], pp. 219-20.

Members should not interrupt the Leader of the House [356], pp. 242-43.

Interrupting the President when he is addressing the members of both Houses assembled together is unbecoming of Members of Parliament [518], p. 380.

#### L

##### LEADER OF THE COUNCIL :

A statement by the Leader of the House has to be accepted as to whether an assurance had or had not been given earlier on behalf of the Government [212], p. 158.

Members should not interrupt the Leader of the House [356], pp. 242-43.

Leader of the Council in that capacity or in his capacity as Minister cannot be asked to be present in the other House to answer charges in connection with his observations or remarks made in the Council [368], pp. 251-53.

#### LEADER OF THE OPPOSITION:

Procedure for recognition laid down by the law is to be followed [369], p. 254.

Announcement regarding the Leader of the Opposition and seating arrangements [370], pp. 255-56.

#### LEAVE OF ABSENCE:

Grant of leave is to be decided by the House [371], p. 257.

#### LIBRARY OF PARLIAMENT:

A Report placed in the Parliament Library is as good as laying it on the Table of the House [372], p. 258.

#### LIST OF BUSINESS:

Members cannot raise any matter not on the order paper of the day without the previous concurrence of the Chairman [295], p. 205.

Use of term Lok Sabha and Rajya Sabha is in order [373], p. 259.

Only the listed business is to be taken up [374], pp. 259-60.

There is nothing wrong if a Bill is removed from the list of business [375], pp. 260-61.

List of business can be prepared and circulated under rule 23 read with rule 29 [376], pp. 261-63.

Members should be informed about the papers not listed in the revised list of business, if required to be laid [377], p. 263.

Members should not raise a matter, which is not on the agenda, without informing the Chairman beforehand [425], pp. 296-97.

#### LOK SABHA:

A Bill lapses after dissolution of the House of the People [38], p. 25.

Message from Lok Sabha alone is sufficient for the Bill being taken up in Rajya Sabha [40], p. 27.

The Chairman can waive two days' notice period required for taking into consideration Bills transmitted from Lok Sabha [43], pp. 30-31.

Members should not make any allegations against members of Lok Sabha or allegations which they cannot substantiate [148], pp. 118-19.

Care and caution have to be exercised while making an allegation against a member of the other House [150], pp. 119-20.

A member can refer to speeches made in Lok Sabha by Ministers [189], p. 141.

The Government can apprise the other House of a matter of public importance if it is not possible to do so in this House [211], pp. 157-58.

Any statement made in Lok Sabha is to be made in Rajya Sabha also [215], p. 160.

Members should not refer to the speeches made in Lok Sabha but can give substance [222], pp. 163-64.

Members can quote from the speeches made by Ministers in Lok Sabha [223], p. 164.

Members should not make any critical reference about debates in Lok Sabha [224], p. 164.

Criticism of the attitude of a party is permissible but there should be no reflection on the other House [225], p. 165.

Member of the other House can be referred to if his name comes naturally in the picture [226], pp. 165-66.

Except on points of policy, members are not to refer to what happened in Lok Sabha [227], p. 166.

Incidents that happen in Lok Sabha need not be referred to in Rajya Sabha [228, 229], pp. 166-67.

Lok Sabha rulings should not be discussed in the House [230], p. 167.

Member of Lok Sabha should be referred to only as a 'member of the other House' [231, 232], pp. 167-68.

Rules of Lok Sabha and the deliberations in the Chairman's Chamber should not be referred to in Rajya Sabha [233], pp. 168-69.

Names of the members of the other House need not be mentioned [235], p. 170.

Questions cannot be raised in the Council against the arrest of the members of the House of the People [294], p. 205.

Name of a member of other House not to be taken [308], p. 213.

Members should not refer to the proceedings of the other House [319], p. 220.

Rajya Sabha cannot discuss the loss of majority support to the Government in Lok Sabha due to defections [324], pp. 222-23.

A matter relating to the Speaker of Lok Sabha cannot be raised in the House [325], p. 223.

A Minister who is the member of the other House also can raise a point of order [497], pp. 359-60.

Privilege issues should not be raised regarding the arrest of members of Lok Sabha [544], p. 402.

Procedure is required to be followed when a complaint is made in one House of Parliament against a member of the other House [545], pp. 402-04.

Notice of breach of privilege against a member of the other House shall be referred to the Presiding Officer of that House [546], pp. 405-08.

Ministers who are not members of the House, can sit in the House at the time of voting but cannot vote [675], p. 525.

## M

### MEMBERS :

If there is any controversy in the House, a member who is involved in that controversy should not be asked by the Government to make comments on it in the AIR broadcast unless others are also allowed [380], pp. 265-66.

With regard to remarks made during the question hour, members can raise objections later with permission [381], p. 266.

Members can ask for discussion on a Government policy after a copy thereof is laid on the Table of the House [382], p. 266.

Members have right to know the viewpoint of the Government regarding the papers laid on the Table [439], p. 313.

*Absence:*

Members detained under the Preventive Detention Act or under any other law, must obtain the permission of the Council to remain absent from its sittings [378], p. 264.

Members who are not present when their names are called, are not to be called again [379], p. 264.

*Minister in a State:*

A member who has become a Minister in a State can legally continue to be a member of the House till he is elected as a member of the State Legislature concerned [383], p. 267.

A member appointed as a Minister in a State cannot be prevented from sitting in the House or voting, unless he has been elected to the Assembly [384], p. 268.

*Suspension:*

A member can be suspended from the House for a fixed period by adopting a motion [386], pp. 269-70.

MENTIONING OF NAMES:

While members have a right to put questions and get all the information required to base their views on any question they should not ask for the names of the individuals concerned in the matter to be divulged [190], pp. 141-42.

Names not to be disclosed until *prima facie* case has been established [191], p. 142.

Names of persons who are not present in the House need not be mentioned [194], pp. 143-44.

Members should not mention names of persons who cannot defend themselves on the floor of the House [234], p. 169.

Names of members of the other House need not be mentioned [235], p. 170.

Members should not name any one who is not in the House and is unable to defend himself [236], pp. 170-71.

Names of persons not present in the House should not be mentioned [237], p. 171.

Name of the President need not be mentioned during the course of a debate in the House [238], p. 171.

Names of the Government officials should not be mentioned in the House [257], p. 181.

Names can be mentioned if there is a *prima facie* case of injustice or over-justice [258], p. 181.

Names of persons who cannot defend themselves in the House should not be mentioned [296], p. 206.

Names of the officers not to be mentioned [309], pp. 213-14.

#### MINISTERS :

In the absence of the Minister of Finance any other Minister in the Ministry of Finance must be present in the House during discussion on the Budget [20], p. 13.

While making an allegation against a Minister, a formal motion should be moved [154], p. 122.

When a Minister clarifies on a question, he cannot be questioned further on it [166], p. 129.

Clarifications on statements made by Ministers cannot be sought without prior intimation [167], p. 129.

Minister cannot be compelled to supply information when not readily available with him [239], p. 172.

Ministers must be present in the House at the appropriate time [240], p. 172.

Minister cannot directly address a member, he has to address the Chair only [352], pp. 240-41.

When an important discussion is going on, a Cabinet Minister must be present in the House [389, 390], pp. 272-73.

Presence of the Prime Minister or some senior Minister is required during discussion on the President's Address [391], p. 273.

A Cabinet Minister should be present in the House during important debates [392], pp. 273-74.

One Cabinet Minister should be present in the House at all times [393], p. 274.

The Finance Minister should be present in the House while the General Budget is being discussed [394], pp. 274-75.

A Minister has the right to give whatever information is available from any source [395], p. 275.

Minister can preface answers by some other observations [396], p. 275.

A Minister who has ceased to be a member can answer questions in the House as per article 75(5) which sustains him as a Minister for six consecutive months, no fresh oath required [397], pp. 276-77.

A Minister is not obligated to lay on the Table of the House a dispatch or other State Papers if he gives in his own words a summary or gist of such dispatch or State Paper [398], pp. 277-78.

The Minister can withhold information if necessary [399], p. 279.

Normally the senior Ministers should lay the papers, if it is not possible, then the names of junior Ministers should appear on the order paper. In case the Minister is suddenly held up, the Chair may be informed about it so that the name of his Deputy is called to lay the papers [456], p. 326.

Ministers have right to make personal explanation [483], p. 352.

A Minister also can speak on a point of order [496], p. 359.

A Minister who is the member of the other House, also can raise a point of order [497], pp. 359-60.

A Minister, even if not a member of the House, has a right to raise a point of order [498], pp. 361-62.

A Minister who is a member of the House has a right to raise a point of order [499], pp. 362-63.

Ministers who are not members of the House, can sit in the House at the time of voting but cannot vote [675], p. 525.

#### *Absence :*

Any Minister can take down notes in the House, if the concerned Minister is absent [387], p. 271.

*Appointment:*

There is no bar in the Constitution for appointing a member of Rajya Sabha as the Finance Minister [388], pp. 271-72.

*Moving of a motion:*

A motion can be moved by a Minister though listed in the name of another Minister [400], p. 279.

*Reply:*

Members should follow the prescribed procedure in case of discrepancy in the reply given by Ministers [198], pp. 146-47.

Normally the Minister concerned should reply to the discussion on a Bill, others may do so with prior permission of the Chairman [401], p. 280.

Ministers cannot make all statements about everything in the House [402], pp. 280-81.

Minister's reply cannot be questioned [403], p. 281.

Minister may reply to the debate the way he likes [404], pp. 281-82.

Ministers must give adequate reply to a question [405], p. 282.

Ministers should send replies to the issues raised by the members in the House [406], p. 283.

Minister may reply to the clarification the next day, if he happens to be busy in the other House [416], p. 289.

No clarification should be sought after the Minister's reply [421], p. 292.

*Statements:*

Copies of the statement should be circulated to the members before the Minister makes his statement [75], p. 54.

When simultaneous interpretation is available, no need to furnish a copy of the Minister's statement in Hindi made on the floor of the House [407], pp. 283-84.

No questions should be asked while the statement is being made [408, 409], pp. 284-85.

Minister can make a statement even when a calling attention on the same subject has been admitted for a following date [410], pp. 285-86.

Statement should be made on the same day, if not simultaneously, in both Houses [411], p. 286.

Statement should be made by the Minister on the same day in both Houses [412], p. 287.

Seeking clarifications on the statement made by a Minister is not in accordance with the Rules [413], pp. 287-88.

It is not customary to allow explanations on the statement made by a Minister [414], p. 288.

Members can seek clarifications only after the statement has been made and not when the announcement about making the statement is made [415], pp. 288-89.

Minister must supply copies of the statement to be made in the House immediately [417], p. 290.

When a Minister makes a statement it is presumed that he has read the statement properly [418], p. 290.

Members can seek clarification on a *suo motu* statement made by a Minister [419], pp. 290-91.

Ministers are responsible for the statements made by them [420], pp. 291-92.

A *suo motu* statement shall be read out and not laid on the Table [422], p. 292.

#### MOTIONS :

A motion can be moved by a Minister though listed in the name of another Minister [400], p. 279.

Members should not raise a matter, which is not on the agenda, without informing the Chairman beforehand [425], pp. 296-97.

Motion admitted under rule 170 can be listed for discussion under rule 176 according to practices and conventions of the House [426], pp. 297-301.

Motion can be seconded by any member [427], p. 301.

When a private member's motion and an identical motion of the Government are both admitted by the Chairman, the Government motion would have precedence on a Government business day [542], p. 400.

*Admissibility:*

Appointment of two separate Commissions of Inquiry to inquire into allegations of corruption against the family members of the Prime Minister and those of the former Home Minister is in order [423], pp. 293-95.

*Amendments:*

Moving of amendments to a motion after the debate has commenced may be allowed if the House has no objection [424], pp. 295-96.

*Motion for Papers:*

Motion for papers cannot be moved on a matter about which the Minister concerned had in the recent past made a statement [428], pp. 301-02.

Motion for papers cannot be admitted if an early opportunity is available for the discussion of the proposed matter [429], p. 302.

*No-day-yet-named:*

Fixing time and date for discussion rests with the Chairman [430], p. 303.

Time for discussion could not be given as the Government was not agreeable [431], pp. 303-04.

*Substantive:*

No provision for bringing a substantive motion against a Chief Minister [132], p. 102.

Comptroller and Auditor General cannot be criticized in the House except on a substantive motion [170], pp. 130-31.

Members cannot make any reflection on the conduct of persons in high authority except on a substantive motion drawn in proper terms [175, 176], pp. 133-35.

Matters pertaining to Centre-State relations should be raised through a substantive motion instead of a special mention for better debate [195], pp. 144-45.

Any matter which is likely to be discussed in a substantive manner in any of the later proceedings, mere motion on it is not allowed [196], pp. 145-46.

*Notices:*

Notices of motion lapse with termination of membership [432], p. 305.

## MOTION OF THANKS :

See President's Address.

## O

## OATH TAKING :

A Minister who has ceased to be a member can answer questions in the House as per article 75(5) which sustains him as a Minister for six consecutive months, no fresh oath required [397], pp. 276-77.

Use of 'Hind' in Urdu instead of 'India' or 'Bharat' while taking oath, held as correct [433], p. 306.

## ORDINANCE :

Power to legislate through Ordinances should be used sparingly [434], pp. 307-08.

It is not necessary to lay an Ordinance which has lost its force [460], pp. 330-32.

No discussion is allowed at the time of laying the statement on an Ordinance [461], pp. 332-33.

Ordinances to be laid on the Table, 'normally' the previous day [462], p. 333.

## P

## PAPERS LAID ON THE TABLE :

Prior permission of the Chairman is necessary for a Minister to lay papers on behalf of another Minister [108, 109], pp. 80-81.

The Chairman has the authority to decide whether any document is to be laid or not to be laid on the Table of the House [118], pp. 86-87.

The Chairman can permit a Minister to lay a statement on the Table of the House without allowing clarifications at that point of time [159], pp. 125-26.

The Report of the Governor of a State on the basis of which the President issues a Proclamation under article 356, need not be placed on the Table [343], pp. 234-35.

Members should be informed about the papers not listed in the revised list of business, if required to be laid [377], p. 263.

Members can ask for discussion on a Government policy after a copy thereof is laid on the Table of the House [382], p. 266.

A Minister is not obligated to lay on the Table of the House a dispatch or other State Papers if he gives in his own words a summary or gist of such dispatch or State Paper [398], pp. 277-78.

Papers can be laid on the Table by the Government at any time [437], pp. 312-13.

Anything handed over at the Table is not automatically laid on the Table of the House [438], p. 313.

Members have right to know the viewpoint of the Government regarding the papers laid on the Table [439], p. 313.

Papers should be laid on the Table in both Houses simultaneously [440], p. 314.

Papers should be laid on the Table in both Houses [441], p. 314.

Papers should be laid as early as possible [442], p. 315.

Members wishing to make a point regarding papers being laid can do it either before or after the papers have been laid [443], p. 315.

Proclamation has to be laid on the Table [444], p. 316.

Documents quoted by a Minister need not be placed on the Table, if they are declared by him to be inconsistent with the public interest [445], p. 316.

Members have no right to place on the Table any document beyond the fair bounds of personal explanation [446], pp. 316-18.

If a Minister quotes from a document, he can be forced to lay it on the Table; he cannot avoid it; the member, however, cannot be forced to lay on the Table such document; it is entirely the Chairman's discretion [448], pp. 319-20.

A member can refer to any document, but it cannot be laid on the Table unless the Chair permits [449], p. 320.

Both English and Hindi versions of the papers are to be laid [450], pp. 320-21.

There is no bar on the Government to lay any document it likes; no time limit is prescribed for doing so [451], pp. 321-22.

Members should not display photographs and documents in the House without showing them to the Chairman and getting them authenticated [452], p. 323.

Official documents should not be laid on the Table of the House by a private member [453], p. 323.

Newspapers are not to be laid on the Table of the House [454], pp. 323-24.

Private correspondence between individuals cannot be laid on the Table of the House and thus given immunities which it will not otherwise enjoy [455], pp. 324-25.

Presidential Order should be laid on the Table when the House is in session [513], pp. 374-75.

Lapse or lack of validity is no bar to the Proclamation being laid on the Table [514], p. 375.

It is for the Government to decide to place on the Table of the House the Proclamation issued under article 356 [515], pp. 375-76.

It is the Proclamation, not the Governor's Report, which is required to be laid on the Table [516], pp. 376-77.

Both the English and the Hindi versions of the President's Address are to be laid on the Table [519], pp. 380-81.

#### *Commission of Inquiry:*

Laying of Interim Reports of the Commission of Inquiry on the Table of the House is in order [435], p. 309.

#### *Confidential/secret documents:*

A member has no right to place any confidential or secret document on the Table of the House which he cannot authenticate and in no case can a member lay any document on the Table without the previous permission of the Chair [436], pp. 309-12.

The Government has to decide whether it is in the public interest to place a document on the Table of the House or not; it is better to decide it in consultation with the Chairman [447], p. 319.

*List of business:*

Normally the senior Ministers should lay the papers, if it is not possible, then the names of junior Ministers should appear on the order paper. In case the Minister is suddenly held up, the Chair may be informed about it so that the name of his Deputy is called to lay the papers [456], p. 326.

*Notifications:*

When there is a statutory provision regarding laying of a notification on the Table, the Government must see that the provision is strictly adhered to [457], pp. 327-28.

Issuing a notification during session period is not a violation of the rights and privileges of the House if a copy thereof is laid on the Table the same day [458], p. 328.

Notification with financial implications issued on the eve of the Budget may be referred to the Committee on Papers Laid on the Table of the House for factual examination [459], pp. 328-30.

*Ordinances:*

It is not necessary to lay an Ordinance which has lost its force [460], pp. 330-32.

No discussion is allowed at the time of laying the statement on an Ordinance [461], pp. 332-33.

Ordinances to be laid on the Table, 'normally' the previous day [462], p. 333.

*Reports:*

Laying of Interim Reports of the Commission of Inquiry on the Table of the House is in order [435], p. 309.

Laying of the CBI Report on the Table is not allowed [464], pp. 334-35.

Members can only raise question concerning any delay or non-compliance with the rules in regard to the papers to be laid on the Table of the House [465], p. 335.

A Report laid on the Table of the House may be discussed [466], pp. 335-36.

Note of dissent should not contain aspersions and in case of dispute, the Report should not be listed for laying on the Table [467], pp. 336-37.

In case of delay in laying the Reports, Minister should come out with the explanation [468], p. 337.

#### PARLIAMENTARY ETIQUETTE :

Members should not go to the Chairman when a debate is on as it diverts his attention [271], p. 190.

No member should speak from a seat other than his own [272, 292, 293], pp. 190-91, 204.

Members should not make comments when answer is being given [273], p. 191.

A member or a Minister should not come in between the speaker and the Chair [274], p. 191.

A member should not cross between the member speaking and the Chairman [275], p. 192.

The rules, practice and etiquette of the House require that members should not raise questions which are ironical expressions, imputations and defamatory [276], pp. 192-94.

Running commentary on the proceedings should not be made by any member [317], p. 219.

#### *Aspersions:*

No aspersions should be cast on any person who is not a member of the House [277], pp. 194-95.

Nobody can cast aspersions on anybody without giving prior notice [278], p. 195.

#### *Defamatory/derogatory/disparaging remarks:*

All sections of the House should decide by mutual consultations about implementation of the rule prohibiting the making of defamatory remarks against a person not present in the House [279], pp. 195-96.

Anybody wanting to repeat or make a comment in writing or orally outside the House on a defamatory statement made on the floor of the House, shall not have any protection [280], pp. 196-97.

Derogatory remarks should not be made against any member [281], p. 197.

Derogatory remarks should not be made against the President [282], pp. 197-98.

Decision of the Chair declaring words or utterances as derogatory shall be final [283], pp. 198-99.

Members should restrain themselves from using derogatory and unpleasant remarks against each other [284], p. 199.

There should not be any derogatory remarks against a person who is incapable of defending himself in the House [285, 286], p. 200.

Derogatory words such as the 'helplessness of the Chairman' not allowed [287], p. 201.

Members should not be addressed in a derogatory way [304], p. 211.

Disparaging remarks should not be made against the Heads of foreign States [288], p. 201.

Disparaging remarks should not be made against anyone not present in the House [289], p. 202.

#### PARLIAMENTARY PROPRIETY :

Members not to make irresponsible statements that might harm national interests [300], p. 209.

A member appointed as a Minister in a State cannot be prevented from sitting in the House or voting, unless he has been elected to the Assembly [384], p. 268.

Raising the tariff of postal articles, etc. by the Government on the eve of the Budget is a question of propriety and not of legality [470], pp. 338-39.

Announcements made outside the House while Parliament is in session which are not statements of policy, constitute neither breach of privilege nor breach of propriety [471], pp. 339-41.

On matters of policy and other important issues Parliament must be informed earliest [472], pp. 341-42.

Issuance of notifications with revenue implications on the eve of the Budget is contrary to parliamentary propriety [473], pp. 342-44.

Any legislation passed in the other House should be brought in this House so that constitutional requirement is fulfilled and propriety is maintained [474], pp. 345-46.

*Declaration of interests:*

A member having personal interest in a matter before the House must declare the nature of interest [469], p. 338.

PERSONAL EXPLANATION:

Members have no right to place on the Table any document beyond the fair bounds of personal explanation [446], pp. 316-18.

A member should not exceed permission and refer to matters not permitted, while making personal explanation [475], pp. 347-48.

Questions or clarifications are not allowed on personal explanation [476], p. 348.

No discussion should follow a personal explanation [477, 478], pp. 348-49.

No debate or question can be raised on a personal explanation [479], p. 349.

Debatable matter should not be brought forward while making a personal explanation [480], p. 350.

No discussion on a statement of personal explanation can be permitted but a statement of fact in it can be contradicted [481], pp. 350-51.

Ministers have right to make personal explanation [483], p. 352.

Members to seek the Chairman's permission for giving a personal explanation [484], pp. 352-53.

One should not impinge on the right of a member to give an explanation as a member [485], p. 353.

Prior notice before making an allegation is required to enable the member to give a personal explanation in the House [486], pp. 353-54.

## POINTS OF ORDER :

No point of order on the Chair's ruling [332], p. 227.

Points of order should not be raised on a business that is not before the House [487], p. 355.

Points of order should not be raised when the subject is already under consideration of the Chairman [488], p. 355.

A point of order should concern a matter which is immediately before the House and not a matter discussed earlier [489], pp. 355-56.

A point of order can be raised only on a matter before the House [490], p. 356.

Points of order should not be recorded if not allowed by the Chair [491], p. 357.

There can be no point of order on a point of order [492], p. 357.

A point of order can be raised only with the permission of the Chair [493], p. 358.

A general 'point of order' should not be taken up during the calling attention [494], p. 358.

Points of order should not be raised during half-an-hour discussion [495], pp. 358-59.

A Minister also can speak on a point of order [496], p. 359.

A Minister who is the member of the other House, also can raise a point of order [497], pp. 359-60.

A Minister, even if not a member of the House, has a right to raise a point of order [498], pp. 361-62.

A Minister who is a member of the House has a right to raise a point of order [499], pp. 362-63.

Points of order should not be raised during the question hour [500, 501, 502, 503, 504, 505, 506, 507, 508, 509], pp. 363-66.

## POLICE :

Examination of parliamentary documents by police can be allowed only with the prior permission of the Chairman [110], pp. 81-82.

There is no breach of privilege of the House by the police in discharging their normal duties in a situation where members may be involved but the police should not do anything which is likely to impede them in the discharge of their duties [547], pp. 408-09.

#### POLITICAL PARTIES:

Unless there is official intimation talks of split in a party do not concern the House [124], p. 93.

Clarifications on a statement can be sought only on party basis [168], pp. 129-30.

Happenings in a party meeting cannot be made the subject-matter of a question of breach of privilege of the House [548], p. 410.

#### PRECINCTS OF PARLIAMENT:

Members should remain in the precincts of Parliament for parliamentary work only and not to remain there during night for making demonstrations or hunger strikes [385], p. 269.

Allotment of accommodation in the Parliament House is under the authority of the Speaker [641], p. 504.

#### PRESIDENT:

Recommendation of the President is necessary for moving any amendment to any Finance Bill seeking to vary any tax or duty in which the States are interested [18], pp. 11-12.

Conduct of the President should not be discussed in the House [178], p. 136.

Name of the President need not be mentioned during the course of a debate in the House [238], p. 171.

Derogatory remarks should not be made against the President [282], pp. 197-98.

The decision of the Supreme Court shall be final in disputes arising out of the election of the President [510], p. 367.

Discussion on correspondence between the President and the Prime Minister involves constitutional interpretation [511], pp. 367-68.

The contents of the President's letter to the Prime Minister cannot be discussed in the House [512], pp. 368-74.

Presidential Order should be laid on the Table when the House is in session [513], pp. 374-75.

Lapse or lack of validity is no bar to the Proclamation being laid on the Table [514], p. 375.

It is for the Government to decide to place on the Table of the House the Proclamation issued under article 356 [515], pp. 375-76.

It is the Proclamation, not the Governor's Report, which is required to be laid on the Table [516], pp. 376-77.

The summoning of the House by the President can be cancelled and the House can be asked to meet on a fresh date [517], pp. 377-79.

#### PRESIDENT'S ADDRESS :

Presence of the Prime Minister or some senior Minister is required during discussion on the President's Address [391], p. 273.

Interrupting the President when he is addressing the members of both Houses assembled together is unbecoming of Members of Parliament [518], p. 380.

Both the English and the Hindi versions of the President's Address are to be laid on the Table [519], pp. 380-81.

#### *Motion of Thanks:*

Scope of discussion on and amendments to the Motion of Thanks on the President's Address [520, 521], pp. 381-85.

Scope of amendments to the Motion of Thanks on the President's Address [522], pp. 385-86.

Use of the term 'grateful' denotes the same meaning as 'thankful' and can be used in the Motion of Thanks [523], p. 386.

Presence of the Prime Minister or some senior Minister is essential during the discussion on the Motion of Thanks on the President's Address [524], pp. 386-87.

Members can seek clarifications after the Prime Minister's reply to the debate on the Motion of Thanks [525], p. 387.

## PRESS :

Unless the House puts a ban, newspapers have right to reproduce fairly, faithfully and accurately the proceedings or any part thereof without let or hindrance from any person not authorized by the House or by any law [365], pp. 247-49.

Press reports can be taken notice of when these are brought to the notice of the Chair [526], p. 388.

The press should report the proceedings of the House correctly [527], p. 388.

In reporting the proceedings of the House the press owes a great responsibility to the House [528], p. 389.

In reporting the proceedings of the House the press must be absolutely objective [529], p. 390.

Press should be careful while reporting the proceedings of the House [530, 531], pp. 390-92.

Mediamen should be careful in reporting the proceedings of the House [532], pp. 392-93.

The matter can be dropped if the Editor publishes his apology and expression of regret prominently in his newspaper, in case he commits no *suppressio veri* or *suggestio falsi* [578], pp. 456-57.

Misreporting by the press may be taken as unworthy of notice by the House [579], pp. 457-59.

Question of privilege raised against a journalist for his write-up regarding Parliament; the observations of the writer may be ignored [580], pp. 459-60.

Writings of journalists appearing in newspapers, criticizing the Members of Parliament with deliberate intent, are not worth the serious note and do not constitute breach of privilege [581], pp. 460-62.

General and sweeping remarks are beneath notice and to be treated with contempt [582], pp. 462-64.

It does not constitute breach of privilege, unless proved that the information was officially given [583], pp. 464-65.

Names of the newspapers should not be mentioned during the course of a special mention [663], p. 514.

## PRIME MINISTER :

Allegation made against the Prime Minister as also its refutation to go on record [151], p. 120.

Any insinuation on the Office of the Prime Minister which offends the Rules will be removed from the record [328], p. 225.

Discussion on correspondence between the President and the Prime Minister involves constitutional interpretation [511], pp. 367-68.

The contents of the President's letter to the Prime Minister cannot be discussed in the House [512], pp. 368-74.

Members can seek clarifications after the Prime Minister's reply to the debate on the Motion of Thanks [525], p. 387.

The Prime Minister should normally be present in the capital during the session of Parliament [533], p. 394.

Reference made about the children of the Prime Minister and the photographs, published in newspapers, should be deleted [534], pp. 394-95.

The Prime Minister is entitled to express opinion within the limits of parliamentary procedure [535], p. 395.

In ordinary course, notices of questions given by members should not be sent to the Prime Minister's Office [605], p. 482.

## PRIVATE MEMBERS' BUSINESS :

Official documents not to be laid on the Table of the House by a private member [453], p. 323.

Time for private members' business may also be allotted by the Business Advisory Committee [540], pp. 398-99.

Private members' business should be given priority on a private members' day [541], p. 399.

*Private members' Bills:*

When a member replies to the debate on his (private member's) Bill he should not bring in any new points not raised earlier by him [536], p. 396.

Discussion on a private member's Bill may be continued even in the absence of the mover of the Bill [537], pp. 396-97.

A private member's Bill can be discussed in the absence of the mover, if the Bill had already been moved [538], p. 397.

The mover can move for leave to withdraw the Bill at any stage of the Bill [539], pp. 397-98.

*Motion:*

When a private member's motion and an identical motion of the Government are both admitted by the Chairman, the Government motion would have precedence on a Government business day [542], p. 400.

*Resolution:*

Discussion need not be reopened after the mover of a private member's resolution had replied to the discussion [543], pp. 400-01.

PRIVILEGES:

Privilege issues should not be raised regarding the arrest of members of Lok Sabha [544], p. 402.

Procedure is required to be followed when a complaint is made in one House of Parliament against a member of the other House [545], pp. 402-04.

Notice of breach of privilege against a member of the other House shall be referred to the Presiding Officer of that House [546], pp. 405-08.

There is no breach of privilege of the House by the police in discharging their normal duties in a situation where members may be involved but the police should not do anything which is likely to impede them in the discharge of their duties [547], pp. 408-09.

Happenings in a party meeting cannot be made the subject-matter of a question of breach of privilege of the House [548], p. 410.

Privilege issues should not be raised without prior permission of the Chairman [549], p. 410.

A matter of privilege, which is being considered by the Chairman, should not be raised in the House [550], p. 411.

It is for the Chairman to decide whether there is a privilege matter or not [551], pp. 411-12.

The Chair is not required to give reasons for rejecting a privilege notice [552], p. 412.

Only those members who give notice for raising a question of privilege may be allowed to make observations before notices are considered by the Chairman [553], p. 413.

Question of privilege is not involved, if statement is made by the Minister after due inquiry [554], pp. 413-20.

The Minister concerned may be asked to furnish information before taking a decision on the admissibility of a notice of privilege [555], pp. 420-21.

Willful misleading of the House may constitute a privilege issue [556], p. 421.

Question of breach of privilege arising in connection with the Committee on Public Undertakings need not be taken up in Rajya Sabha [557, 558], pp. 422-32.

Regarding notice of breach of privilege against the Government of Orissa [559], pp. 432-33.

Question of privilege can be raised on the floor of the House and then the reply follows [560], p. 433.

Matter regarding insult to and injury sustained by a member of the House is referred to the Privileges Committee of the House [561], pp. 433-34.

If a member thinks that he is impeded in the performance of his duties, he can bring it to the notice of the Chairman, either in his Chamber or by writing to him [569], p. 444.

The privilege of freedom from arrest is limited to civil cases only and does not extend to cases of arrest and detention under the criminal law. In cases of arrest of a member, the concerned authorities must promptly intimate the Presiding Officer of the House stating the reason for the arrest, detention or conviction as also the place of detention or imprisonment [570], pp. 444-47.

Censoring letters addressed to members does not constitute a breach of privilege of the House. This, however, should not involve any *mala fide* action or interference with the legitimate duties of members [571], pp. 448-51.

There should be no *mala fide* action or interference with the legitimate duties of the members [572], p. 451.

A member has the privilege to express his views freely in the House [573], pp. 451-52.

*Contempt of the House:*

Mere allegations that facts had been suppressed from the Public Accounts Committee cannot by itself amount to contempt of the House [142], pp. 111-12.

There is no contempt of Rajya Sabha if Lok Sabha mentions in its order paper a Bill conferring on the President the legislative powers of a State, even before the Proclamation in that regard has been approved by Rajya Sabha [562], pp. 434-35.

If the Government denies the existence of a proposal in the Council but happens to come to a positive conclusion on it later, no charge of having misled the House can be levelled against the Government nor can a question of a breach of privilege and contempt of the House be raised [563], pp. 435-37.

If a Minister claims that he made a statement in the Council on the basis of information he had at the time; a mere allegation that he made a wrong statement, cannot amount to contempt of the House [564], pp. 437-39.

Members should not do anything which may amount to contempt of the House [565], pp. 439-40.

Reaction should be given in response to a discussion held in the House with care and caution [566], pp. 440-41.

Vague charges against members without imputing any *mala fide* are not treated by the House as a contempt or breach of privilege [567], pp. 441-43.

To constitute a breach of privilege or contempt of the House it has to be proved that the statement was not only wrong and misleading but it was made deliberately to mislead the House [568], pp. 443-44.

*Policy statements:*

Policy announcement to the press before it is placed in the House does not constitute a breach of privilege or contempt of the House [574], pp. 452-53.

Policy statements should not be made outside the House when the House is in session [575, 576, 577], pp. 453-56.

*Press:*

The matter can be dropped if the Editor publishes his apology and expression of regret prominently in his newspaper, in case he commits no *suppressio veri* or *suggestio falsi* [578], pp. 456-57.

Misreporting by the press may be taken as unworthy of notice by the House [579], pp. 457-59.

Question of privilege raised against a journalist for his write-up regarding Parliament; the observations of the writer may be ignored [580], pp. 459-60.

Writings of journalists appearing in newspapers, criticizing the Members of Parliament with deliberate intent, are not worth the serious note and do not constitute breach of privilege [581], pp. 460-62.

General and sweeping remarks are beneath notice and to be treated with contempt [582], pp. 462-64.

It does not constitute breach of privilege, unless proved that the information was officially given [583], pp. 464-65.

PROCEEDINGS :

Running commentary on the proceedings should not be made by any member [317], p. 219.

Discussions made outside the House cannot become part of proceedings [363], pp. 246-47.

Interpreters need not have political knowledge also [364], p. 247.

*Recording of :*

Members are not allowed to raise any point without previous permission of the Chair and anything said by them without permission is not recorded [103], p. 76.

Anything spoken without the permission of the Chair need not be recorded [104], pp. 76-77.

Anything that the members say should not be recorded when the Chairman is on his legs [111], p. 82.

A member's speech need not be recorded when the Chairman is on his legs [126], p. 94.

The Chairman has to issue special directions whenever proceedings are not to be recorded [127], p. 94.

Allegation made against the Prime Minister as also its refutation to go on record [151], p. 120.

Speeches or observations made in defiance of the Chair's orders, should not be recorded [299], pp. 208-09.

Anything said without permission of the Chair, not to be recorded [301], p. 210.

Cross-talks and whisperings not to go on record unless they form part of the proceedings [302], p. 210.

Anything spoken without the permission of the Chair has not to be recorded [316], p. 218.

Words from the charge-sheet, if mentioned in the House should not form part of the records [482], pp. 351-52.

Points of order should not be recorded if not allowed by the Chair [491], p. 357.

Even some portions of Minister's answer to a supplementary question may go unrecorded [623], p. 491.

*Reporting of:*

Unless the House puts a ban, newspapers have right to reproduce fairly, faithfully and accurately the proceedings or any part thereof without let or hindrance from any person not authorized by the House or by any law [365], pp. 247-49.

The press should report the proceedings of the House correctly [527], p. 388.

In reporting the proceedings of the House the press owes a great responsibility to the House [528], p. 389.

In reporting the proceedings of the House the press must be absolutely objective [529], p. 390.

Press should be careful while reporting the proceedings of the House [530, 531], pp. 390-92.

Mediamen should be careful in reporting the proceedings of the House [532], pp. 392-93.

Misreporting by the press may be taken as unworthy of notice by the House [579], pp. 457-59.

#### PROCLAMATION :

Proclamation has to be laid on the Table [444], p. 316.

Lapse or lack of validity is no bar to the Proclamation being laid on the Table [514], p. 375.

It is for the Government to decide to place on the Table of the House the Proclamation issued under article 356 [515], pp. 375-76.

It is the Proclamation, not the Governor's Report, which is required to be laid on the Table [516], pp. 376-77.

Notice of a motion for disapproval of a statutory resolution regarding Proclamation issued under article 356 can be rejected [639], pp. 501-02.

#### Q

#### QUESTIONS :

Nobody can ask questions about loan transactions of any one individual [350], p. 240.

Members cannot question the right of the Chairman to allow or to disallow a question [584], p. 466.

When a question is addressed to a wrong Ministry, the Ministry to which the question has been addressed, is responsible for transferring it to the correct Ministry. In case a question concerns more than one Ministry, the Minister answering the question must take responsibility on behalf of the whole Government, or both the Ministers concerned may be present to answer it [585], pp. 466-70.

If a member does not put a question listed in his name, it is treated as withdrawn but the Chairman, at the request of any other member, may direct that the answer to it be given [586], p. 471.

Member who puts the question has the first right to raise objection [587], pp. 471-72.

Party manifesto as such not to form part of answer to question [588], p. 472.

When a question is put in English, the reply can be given in Hindi [589], pp. 472-73.

Questions should be answered either in English or in Hindi [590], p. 473.

Ministers can answer questions either in English or in Hindi [591], pp. 473-74.

The Government has to decide which Ministry will answer a particular question [592], p. 474.

Only when no Minister of a particular Ministry is present, some other Minister could give reply to a question [593], pp. 474-75.

When a question is listed against a Ministry, the concerned Minister has to reply [594], p. 476.

Ministers have to answer the questions put to them and not the questions that are put by way of interjections by other members [595], p. 476.

Ministers can answer a question in the House as they think best [596], pp. 476-77.

A Minister may refuse to answer a question, if members do not hear him [597], p. 477.

Statement correcting answer is to be read and not laid on the Table [598], p. 477.

Questions on suppositions are not allowed [599], p. 478.

Minister can place lengthy answers to starred questions as statements on the Table of the House [600, 601], pp. 478-79.

The Chairman has the right to transfer questions [602], pp. 479-80.

Parts of a question raised by a member cannot be deleted [603], p. 480.

The discretion of the Chairman to direct a Minister to answer a starred question, which is not put or the member in whose name it is listed is absent, is exercised only in exceptional cases [604], pp. 480-81.

In ordinary course, notices of questions given by members should not be sent to the Prime Minister's Office [605], p. 482.

#### QUESTION HOUR :

With regard to remarks made during the question hour, members can raise objections later with permission [381], p. 266.

Points of order should not be raised during the question hour [500, 501, 502, 503, 504, 505, 506, 507, 508, 509], pp. 363-66.

The question hour is meant to put questions but questions may be based on information which has to be alluded to [606], pp. 482-83.

During the question hour only questions should be put and members should not make any speech before putting questions [607, 608], pp. 483-84.

The question hour should not be interrupted to discuss matters not relevant to the question hour [609], p. 484.

Questions of policy cannot be raised during the question hour [610], pp. 484-85.

Policy matters not to be discussed during the question hour [611], p. 485.

There cannot be a full-fledged debate or discussion during the question hour [612], pp. 485-86.

Specific question should be put during the question hour [613], p. 486.

#### *Supplementaries:*

The Chair has to decide whom to call to put supplementary questions [106], p. 78.

If several members have given notice of the same question, everyone of them cannot insist on his being allowed to put supplementary questions before the Chairman passes on to the next question [614], p. 486.

Preference should be given for asking supplementaries to those members in whose names the question stands [615], p. 487.

The member who has put the supplementary says that his question has not been fully answered, has the first right to invite the Chair's attention [616], p. 487.

To be crisp and to the point without a preamble [617], p. 488.

To be as brief as possible [618], pp. 488-89.

Not more than six supplementaries are to be allowed on any question [619], p. 489.

Anybody employed in a State-aided Corporation is not a Government employee. Supplementary questions, therefore, are not allowed about them [620], pp. 489-90.

Supplementary questions, not related to the main question, are not admissible [621], p. 490.

A Minister is not allowed to reply to supplementaries to a supplementary [622], p. 490.

Even some portions of Minister's answer to a supplementary question may go unrecorded [623], p. 491.

It is the Chairman's discretion to call any member for asking supplementaries [624], p. 491.

A question relating to policy matter is not allowed in a supplementary [625], pp. 491-92.

In the question list if the first member is absent, the second member has right to ask two supplementaries [626], p. 492.

#### *Suspension:*

The question hour cannot be suspended for discussing a privilege motion [627], pp. 492-93.

The question hour may be suspended as per the Rules [628], p. 493.

The question hour can be suspended on a motion to this effect supported by the majority in the House [629], pp. 493-94.

The question hour cannot be suspended and the sense of the House cannot be taken after the Chairman's ruling [630], p. 494.

#### *Time Limit:*

Eight minutes for each question [631], p. 495.

#### QUORUM:

Half-an-hour discussion cannot be postponed to the next day if the House is adjourned for the day for want of quorum [348], pp. 237-38.

A quorum is necessary even during the lunch hour to pass a Bill [632], p. 496.

It is the responsibility and obligation of members to maintain quorum in the House [633], p. 496.

## QUOTING FROM DOCUMENTS :

See Debates.

**R**

## RAJYA SABHA SECRETARIAT :

If members have any grievance against an officer of the Rajya Sabha Secretariat or anything done in the Secretariat, they should approach the Presiding Officer in his Chamber and not ventilate them in the House [253], p. 179.

Members should not cast aspersions on the Rajya Sabha Secretariat on the floor of the House [254], pp. 179-80.

## REPORTS :

Only essential extracts, not unnecessary details, of any Report of a Committee or communication need be given [249], p. 177.

A Report is to be authenticated before quoting from it in the House [250], pp. 177-78.

Limitation on the discussion of the Reports of the Union Public Service Commission [267], pp. 187-88.

The Report of the Governor of a State on the basis of which the President issues a Proclamation under article 356, need not be placed on the Table [343], pp. 234-35.

A Report placed in Parliament Library is as good as laying it on the Table of the House [372], p. 258.

It is not always incumbent on the Government to lay on the Table of the Council the Report of any Committee appointed by it [463], pp. 333-34.

Laying of the CBI Report on the Table is not allowed [464], pp. 334-35.

Perusal of the CBI Report by leaders of the Opposition is permitted under oath of secrecy [635], pp. 497-99.

Members can only raise question concerning any delay or non-compliance with the rules in regard to the papers to be laid on the Table of the House [465], p. 335.

A Report laid on the Table of the House may be discussed [466], pp. 335-36.

Note of dissent should not contain aspersions and in case of dispute, the Report should not be listed for laying on the Table [467], pp. 336-37.

In case of delay in laying the Reports, the Minister should come out with the explanation [468], p. 337.

Reports of the Committees, on the basis of which a Bill has been prepared, need not be circulated to members, if the Minister does not want to do so, unless extracts from such Reports are quoted by him [634], p. 497.

#### RESOLUTIONS :

Discussion need not be reopened after the mover of a private member's resolution had replied to the discussion [543], pp. 400-01.

Mover of a resolution should be present in the House, when it is being discussed [636], p. 500.

A Government resolution takes precedence over a motion moved by a member as far as voting is concerned, even if both have been discussed together [637], pp. 500-01.

Resolutions are not carried over to the next session of the House [638], p. 501.

Notice of a motion for disapproval of a statutory resolution regarding Proclamation issued under article 356 can be rejected [639], pp. 501-02.

Resolution seeking disapproval of Ordinance could be moved, even if Standing Committee had cleared it earlier in the form of a Bill [640], pp. 502-03.

#### RULINGS :

Ruling by the Chairman on starred question no. 87 answered on 3 March 1987, alleging favouritism shown to a private company in regard to a road construction contract in Jordan [128], pp. 94-97.

Permission or otherwise from the Chair need not be quoted as a precedent or a ruling [200], pp. 148-49.

Lok Sabha rulings should not be discussed in the House [230], p. 167.

Rulings should not be discussed in the House [329, 330], pp. 225-26.

Ruling given by the Vice-Chairman is as good as a ruling given by the Chairman. It is not to be revised by the Chairman [331], p. 226.

No point of order on the Chair's ruling [332], p. 227.

The question hour cannot be suspended and the sense of the House cannot be taken after the Chairman's ruling [630], p. 494.

## S

### SPEAKER :

Certificate of Speaker that particular Bill is a Money Bill is conclusive and final [52], pp. 38-39.

When the question arises whether a Bill is Money Bill or not, reference has to be made to the Speaker whose decision shall be final [53], pp. 39-40.

The Pensions Bill, 1977 – Speaker's decision thereon [54], p. 40.

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 [143], pp. 113-14.

A matter relating to the Speaker of Lok Sabha cannot be raised in the House [325], p. 223.

Allotment of accommodation in the Parliament House is under the authority of the Speaker [641], p. 504.

### SPECIAL MENTIONS :

Question of admissibility of a special mention need not be raised in the House, but may be taken up with the Chairman in his Chamber [645, 646], pp. 506-07.

Supplementaries are not allowed on special mentions [647], p. 508.

When a special mention is made by more than one member, the Minister concerned should give a consolidated reply in the end, after all the members have spoken on the subject [648], p. 508.

Only those members whose notices have been accepted are allowed to make special mentions [649], pp. 508-09.

Members, if absent in the House when called, need not be called to make a mention on the same subject [650], p. 509.

It is not the practice to allow two members to speak on the same subject [651], p. 509.

A member who gives notice first, gets permission to raise a matter through special mention. Draw of lots is done, if more than one member gives notice at the same time and on the same subject [652], p. 510.

A special mention should not last more than three minutes [653], p. 510.

No discussion is allowed on a special mention [654], p. 510.

Special mentions may sometimes be allowed before calling attention [655], p. 511.

No assurance is given immediately in response to a special mention [656], p. 511.

Members should not go into unnecessary details of a matter while making a special mention [657], pp. 511-12.

A Minister has to send a written reply of a special mention to the member concerned [658], p. 512.

Members cannot ask for an immediate reply to a special mention [659], pp. 512-13.

A special mention is not replied to immediately [660], p. 513.

Special mentions can be disallowed in consultation with the leaders of the parties and the Government, under special circumstances [661], p. 513.

Special mentions cannot be raised if permission is not granted [662], p. 514.

Names of the newspapers should not be mentioned during the course of a special mention [663], p. 514.

A special mention is to be made within the parameters of the Rules [664], pp. 514-15.

Members can follow the prevailing procedure regarding special mention [665], p. 515.

Special mentions are made on matters of public importance [666], p. 516.

The title of special mention as issued by the Secretariat is only for convenience, not for narrowing down the scope of it [667], pp. 516-17.

*Allegations:*

The matter relating to an allegation made against a member of the Council of Ministers should not be raised through special mention [642], p. 505.

*Chair:*

Without prior permission of the Chair, a member cannot associate himself with a special mention made by another member [643], pp. 505-06.

Special mention can be made on any subject with the permission of the Chairman [644], p. 506.

STATE LEGISLATURES :

Members should not question the decision taken by the Speaker of a State legislature but can refer to the general nature of the case without referring to individuals [261], p. 183.

Members should not question or go into merits and demerits of a decision taken by the Speaker of a State legislature [262], p. 184.

State Assembly matters need not be raised in Rajya Sabha [320], pp. 220-21.

A member who has become a Minister in a State can legally continue to be a member of the House till he is elected as a member of the State legislature concerned [383], p. 267.

A member appointed as a Minister in a State cannot be prevented from sitting in the House or voting, unless he has been elected to the Assembly [384], p. 268.

Discussion on situation arising out of the failure to discharge constitutional responsibility under article 178, to elect Speakers to State legislatures is in order. Casting reflections on the Assemblies, however, is out of order [669], pp. 518-21.

Members should not discuss or make comments on the proceedings of State legislatures [670], p. 521.

Proceedings of State Assemblies should not be discussed in the House [671, 672], pp. 521-22.

## STATE MATTERS :

Matters pertaining to Centre-State relations should be raised through a substantive motion instead of a special mention for better debate [195], pp. 144-45.

Concurrent subject is a matter for State regulation in the absence of central legislation [202], p. 150.

The House can discuss even a law and order problem falling exclusively in the State sphere, if the situation is an extraordinary one tending to disturb the very safety of India [263], p. 185.

Exclusively State subjects should not be discussed in the House [264], pp. 185-86.

State matters should not be referred to in the House [265], p. 186.

Serious issues pertaining to States can be raised in the House [266], p. 187.

Special mention is not permitted on a State subject [668], p. 517.

## STATEMENTS :

Copies of the statement should be circulated to the members before the Minister makes his statement [75], p. 54.

Members can seek clarification only on a *suo motu* statement by a Minister [163], pp. 127-28.

Clarifications on statements made by Ministers cannot be sought without prior intimation [167], p. 129.

Clarifications on a statement can be sought only on party basis [168], pp. 129-30.

Clarifications on a statement should not be converted into a full discussion [169], p. 130.

Any statement made in Lok Sabha is to be made in Rajya Sabha also [215], p. 160.

The Government has to decide on who should make a statement [216], p. 160.

The Government has the right to make a statement on the floor of the House [217], p.161.

When simultaneous interpretation is available, no need to furnish a copy of the Minister's statement in Hindi made on the floor of the House [407], pp. 283-84.

No questions should be asked while the statement is being made [408, 409], pp. 284-85.

Minister can make a statement even when a calling attention on the same subject has been admitted for a following date [410], pp. 285-86.

Statement should be made on the same day, if not simultaneously, in both Houses [411], p. 286.

Statement should be made by the Minister on the same day in both Houses [412], p. 287.

Seeking clarifications on the statement made by a Minister is not in accordance with the Rules [413], pp. 287-88.

It is not customary to allow explanations on the statement made by a Minister [414], p. 288.

Members can seek clarifications only after the statement has been made and not when the announcement about making the statement is made [415], pp. 288-89.

Minister may reply to the clarification the next day, if he happens to be busy in the other House [416], p. 289.

Minister must supply copies of the statement to be made in the House immediately [417], p. 290.

When a Minister makes a statement it is presumed that he has read the statement properly [418], p. 290.

Members can seek clarification on a *suo motu* statement made by a Minister [419], pp. 290-91.

Ministers are responsible for the statements made by them [420], pp. 291-92.

No clarification should be sought after the Minister's reply [421], p. 292.

A *suo motu* statement shall be read out and not laid on the Table [422], p. 292.

*SUB JUDICE MATTERS :*

Members should not ask about the facts on which a judicial inquiry has to give its findings, but they may ask about the accepted facts, if any. The Minister may or may not answer [220], pp. 162-63.

Minister cannot be compelled to answer [333], p. 227.

A *sub judice* matter should not be referred to in the House [334, 335], p. 228.

A *sub judice* matter cannot be allowed for discussion [336], pp. 228-29.

Members not to exceed the scope of the subject permitted by the Chairman, when the matter is *sub judice* [337], p. 229.

No comments can be made on a *sub judice* matter [338], pp. 229-30.

*SUMMONING OF THE HOUSE :*

The summoning of the House by the President can be cancelled and the House can be asked to meet on a fresh date [517], pp. 377-79.

*SUSPENSION :**Members :*

A member can be suspended from the House for a fixed period by adopting a motion [386], pp. 269-70.

*Question hour :*

The question hour cannot be suspended for discussing a privilege motion [627], pp. 492-93.

The question hour may be suspended as per the Rules [628], p. 493.

The question hour can be suspended on a motion to this effect supported by the majority in the House [629], pp. 493-94.

The question hour cannot be suspended and the sense of the House cannot be taken after the Chairman's ruling [630], p. 494.

*Rules :*

No rule can be suspended without the consent of the Chairman [339], pp. 230-31.

One-time suspension of Rules and conventions cannot be quoted as precedent [340], p. 231.

## T

### TIME OF THE HOUSE :

Members should abide by the time [323], p. 222.

Budgeting of the time of the House should be properly done by the Government [366], pp. 249-50.

Time allotted for a discussion is decided by the House [367], p. 250.

## V

### VOTE ON ACCOUNT :

No impropriety in laying Vote on Account before the House [673], p. 523.

### VOTING :

'Abstention' from any voting in the House is not taken into account within the meaning of 'present and voting' [674], pp. 524-25.

Ministers who are not members of the House, can sit in the House at the time of voting but cannot vote [675], p. 525.

## W

### WHIPS :

A member cannot participate in the debate after his name is withdrawn by the party. Normally, the Chair goes by the list of speakers given by the whips of parties [241], p. 173.

Members should come through their whips to speak on a matter [676], p. 526.

## Z

### ZERO HOUR :

Prior permission of the Chair should be obtained about matters to be raised during zero hour [677], p. 527.

'Zero hour' is not provided in the Rules; the Chair, however, permits members to mention important matters concerning the House during this time [678], pp. 527-28.

The issues raised in the House during zero hour are first considered and decided by the Chairman in his Chamber [679], p. 528.



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