

CHAPTER—6

Sessions of Rajya Sabha

The Rajya Sabha is not subject to dissolution¹ unlike the Lok Sabha which, unless sooner dissolved, continues for five years from the date appointed for its first meeting and the expiration of the said period of five years operates as dissolution of that House.²

The Constitution provides that the President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.³ The President may from time to time prorogue the Houses or either House.⁴ A session of the Rajya Sabha commences on the date and time mentioned in the Summoning Order of the President and ends with the day on which he prorogues the House.

A session is the period of time between the meeting of a Parliament and its prorogation. During the course of a session, either House may adjourn to such date as it pleases. The period between the prorogation of Parliament and its reassembly in a new session is termed as a 'recess'⁵ while the period between the adjournment of either House and the resumption of its sitting is generally called an 'adjournment'.⁶

Until 1994, normally the Rajya Sabha used to meet in four sessions in a year, namely Budget session in the months of February-March and April-May; Monsoon session in the months of July-August and Winter session in the months of November-December. However, in the years 1961, 1962, 1964, 1976, 1977, 1980, 1985 and 1991, there were five sessions each⁷ and in the years 1975 and 1984, there were only three sessions each.

In early years during the Budget session, the Rajya Sabha used to observe a recess of 2-3 weeks between March and April and the session used to be split into two parts instead of two sessions. For instance, the 1st Session of 1952, the 3rd Session of 1953 and the 6th session of 1954, each consisted of two parts.

Since the 170th Session (Budget session) of 1994, the Budget session is being treated as a continuous one instead of splitting it into two sessions as was the practice before. Consequent upon the setting up of the

Department-related Parliamentary Standing Committees in 1993, the Budget Session is divided into two parts. The relevant rule of the committees provides that after the general discussion on the Budget in the Houses is over, the Houses are to be adjourned for a fixed period and the committees have to consider the Demands for Grants of the related Ministries during the aforesaid period.⁸ The 170th Session was also unique inasmuch as it was held in three spells, viz., (i) 21 February 1994 to 18 March 1994, (ii) 18 April 1994 to 13 May 1994 and (iii) 13 June 1994 to 15 June 1994.

Since the Rajya Sabha is a continuous body not subject to dissolution, the sessions, as also the sittings are numbered consecutively and continuously since its inception.

Summoning by the President

The fixation of dates of summoning and prorogation of the two Houses of Parliament is one of the functions assigned to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules made by the President.⁹ After assessing the time likely to be required for transaction of Government business and for discussion on topics of public interest as may be demanded from time to time by Members of Parliament, the Ministry of Parliamentary Affairs places a note before the Cabinet Committee on Parliamentary Affairs for making a recommendation as to the date of the commencement of a session of Parliament and its likely duration. The recommendation, if agreed to by the Prime Minister, is submitted by the Ministry of Parliamentary Affairs to the President for approval of the date(s) of the commencement of a session.¹⁰ Thereafter, a communication is received by the Rajya Sabha Secretariat from the Ministry of Parliamentary Affairs to the effect that the Government has decided that the Rajya Sabha may be summoned for its session on a particular date and subject to exigencies of Government business, the session may conclude on a particular date and the date of commencement of the session of the Rajya Sabha has been conveyed by the Minister of Parliamentary Affairs to the President who has approved the same. On the basis of this communication, a note signed by the Secretary-General is sent to the Secretary to the President along with a Summoning Order in the following form for the approval and signature of the President:

In exercise of the powers conferred upon me by clause (1) of article 85 of the Constitution, I hereby summon the Rajya Sabha to meet at New Delhi on...(day), the ...(date), at 11.00 A.M.

...20...

President.¹¹

The Summoning Order of the President is then published in the Gazette of India, Extraordinary, by a Notification of the Rajya Sabha Secretariat under the signature of the Secretary-General. The information is also published through the press and media. The Ministries of the Government of India, etc. are informed of the President's Order summoning the House by a circular.

In 1955, the Department of Parliamentary Affairs suggested that the then existing procedure of publication of the President's Order summoning or proroguing a House of Parliament under article 85 should be varied as follows:

- (1) all Orders under article 85 should be made by the President through the Department of Parliamentary Affairs carrying out the decision of the Prime Minister or the Cabinet regarding summoning or prorogation of Parliament;
- (2) when the President had signed and returned such Orders to the Department of Parliamentary Affairs, that Department should immediately communicate them to the Secretaries of the two Houses for further action, so far as Members of Parliament were concerned; publish them in the Gazette of India and send copies to the Ministries, etc. for information.

It was contended that in so far as the Department of Parliamentary Affairs had been established and designed to be the liaison between the Parliament and the President, *i.e.*, Government, any action taken by the President on the advice of the Prime Minister or the Cabinet should be handled by that Department. The Secretaries of Parliament were also not directly responsible to the President.

This suggestion was, however, not agreed to for the following reasons:

- (1) the Orders about the summoning and prorogation of Parliament under article 85 are not in the name of the President and signed by the Secretary of the House concerned, but are made by the President himself and thereafter, notified by the Secretary of the House concerned. The question of authentication of these Orders under article 77(2) does not, therefore, arise at all;
- (2) the executive action with regard to obtaining the decision of the Prime Minister or the Cabinet about summoning or prorogation of Parliament is taken by the Department of Parliamentary Affairs and the Secretariat of the House merely passes on the substance of the Order recommended by the Prime Minister or the Cabinet to the President with a draft of the Order for the latter's approval and signature. Thereafter, the Order is published in the Gazette. This process can hardly

be said to be tantamount to taking any executive action by the Secretariat;

- (3) the summoning or proroguing of a House is connected with the functioning of Parliament and since the President is a constituent part of Parliament there is nothing inappropriate in the Secretariat of the House communicating to the President the decision of the Prime Minister or the Cabinet;
- (4) a Bill is sent to the President for assent by the Secretary of the House, although the President acts on the advice of his Ministers in giving such assent;
- (5) publication of the Order of the President is a function which belongs appropriately to the Legislature and not to the Executive.¹²

The interval between the issue of the President's Order summoning the Rajya Sabha and the date of its commencement depends upon the decision of the Government to call the session. Generally, it has varied from 3-10 weeks. Where the interval is very short or when the session is called emergently or at short notice, then a telegraphic summons is issued followed by publication of date of summoning through a press communique and official media.¹³ The following are the instances of emergent/short notice summoning of the House:

33rd Session (1961) for passing the Budget of Orissa which was under the President's Rule; 75th Session (1971) – session called after the general election; 99th Session (1977) for extension of the President's Rule in Tamil Nadu and Nagaland under the second proviso to article 356(4); 100th Session (1977) – session called after the general election and 158th Session (1991) for approval of the President's Rule in Haryana under the proviso to article 356(3).

If, after the issue of the Summoning Order, there is a change in the date of commencement of the session, a fresh Summoning Order is obtained from the President, as had happened in the following cases:

The 4th Session of the Rajya Sabha was originally summoned to meet on 17 August 1953. The Summoning Order was signed by the President on 28 May 1953. In view of the insufficient business for the Rajya Sabha, Government decided to postpone the session and call it on 24 August 1953. A fresh Summoning Order was signed by the President on 5 August 1953, "in supersession" of the previous Order. Members protested in the House about the postponement of the date of commencement of the session. The Leader of the House explained the position. The matter was closed with the observation made by the Chairman, *inter alia*, that more careful planning of parliamentary business could have avoided the postponement.¹⁴

The 41st Session was originally proposed to commence on 21 November 1962. The date was changed to 8 November 1962 and the earlier Summoning Order was cancelled.¹⁵

The 51st Session was originally proposed to commence on 15 February 1965. A draft Summoning Order was submitted to the President accordingly. However, before the President signed it, it was decided that the session should commence on 17 February 1965. The President's Secretariat, therefore, returned the original Summoning Order without the President's signature. A revised draft Summoning Order was then sent to the President for approval and signature.¹⁶

The 59th Session was originally to commence on 13 March 1967. The date was changed to 18 March 1967 and a fresh Summoning Order was issued "in supersession" of the previous Order.¹⁷

The 92nd Session was originally to commence on 28 April 1975. The date was changed to 25 April 1975 and a fresh Summoning Order was issued "in supersession" of the previous Order.¹⁸

The 101st Session was originally to commence on 23 May 1977. The date was changed to 11 June 1977 and a fresh Summoning Order was issued "in supersession" of the previous Order.¹⁹

However, on an occasion, the Rajya Sabha was summoned to meet on 14 June 1962 but on 10 June 1962, the Government declared 14 June as a public holiday on account of *Muharram* (which was originally on 13 June 1962). As at that stage it was not possible to change the date of commencement of the session, the House met as scheduled and adjourned for the day.²⁰

It is not necessary that the two Houses should be summoned simultaneously or to meet on the same dates.²¹ Until 1961, the two Houses commenced their sessions on different dates, with the exception of the first session of the year or the first session after the general election to the Lok Sabha. The Rajya Sabha used to be summoned after a few days or ordinarily a week or sometimes ten days or two weeks after the commencement of the Lok Sabha. This was perhaps to await that the Lok Sabha transacted some legislative business for subsequent consideration by the Rajya Sabha as otherwise, the Rajya Sabha could find itself without business if it met simultaneously with the Lok Sabha. For instance, the 2nd Session of the Rajya Sabha commenced on 24 November 1952, while the session of the Lok Sabha commenced on 5 November 1952; the 4th Session of the Rajya Sabha commenced on 24 August 1953, while the session of the Lok Sabha commenced on 3 August 1953; the 18th Session of the Rajya Sabha commenced on 12 August 1957, while the session of the Lok Sabha commenced on 15 July 1957. Since 1962, however, generally both Houses have been meeting simultaneously.

A two-day special session (99th Session) of the Rajya Sabha was held on 28 February 1977 and 1 March 1977, for extension of the President's Rule in Tamil Nadu and Nagaland under the second proviso to article 356(4). Another two-day special session (158th Session) was held on 3 June 1991 and 4 June 1991, for approval of the President's Rule in Haryana, under the proviso to article 356(3). On both these occasions the Rajya Sabha met when the Lok Sabha was under dissolution.

On the occasion of the 20th Anniversary of Universal Declaration of Human Rights, a suggestion made by the Minister of Parliamentary Affairs for holding a special session to commemorate the occasion was not agreed to by the Chairman. However, on the Minister's suggestion, the Chairman made a special reference about the occasion in the House.²² On another occasion, the House did not agree to a suggestion made by a member that a secret session be held for discussing the India-China war situation.²³

Summons to members

The Secretary-General issues a summons to each member.²⁴ This is usually done as early as possible after the President's Summoning Order is received from the President's Secretariat. The summons is in the following form printed in Hindi and English, side by side and is addressed to each member by name:

SUMMONS

PARLIAMENT HOUSE

New Delhi, the.....(date), 20...

Shri/Shrimati

M.P.

I am directed to inform you that in exercise of the powers conferred by clause (1) of article 85 of the Constitution the President²⁵ has been pleased to summon the Rajya Sabha to meet at 11.00 a.m. on... (day), the ...(date), 20... at New Delhi.

You are requested to attend the session of the Rajya Sabha accordingly.

SECRETARY-GENERAL

Until 1969, the summons used to be issued in the following form:

The President, in exercise of the powers conferred by clause (1) of article 85 of the Constitution, having been pleased to direct that a session of the Council of States be held at New Delhi and to appoint...

(day), the... (date), 19.. at... a.m. (time) as the date for the commencement of the said session, you... (name of the member) are hereby summoned to the said Council of States at the place and on the date aforesaid.

By order of the President,
Secretary.

At a sitting of the Rajya Sabha held on 15 December 1969, a member suggested that the above form of summons should be changed.²⁶ At a meeting of leaders of various parties and groups in the Rajya Sabha, held on 23 December 1969, under the Chairmanship of the Chairman, Rajya Sabha, a decision was taken to replace the above form of summons by the present one, which is in vogue since the 71st Session (1970).²⁷

Summons is sent to members both at their Delhi and permanent addresses; in the latter case by speed post. Summons to a member under detention is sent to him through the jail authority concerned.

Summons to members under detention were sent care of jail authorities concerned for the 93rd and 94th Sessions in 1975; 95th to 98th Sessions in 1976; 99th Session in 1977; 108th Session in 1979; 119th Session in 1981; 123rd Session in 1982; 129th and 130th Sessions in 1984; 132nd and 133rd Sessions in 1985; 225th Session in 2012 and 230th Session in 2013. To a member who was on parole, summons was sent to the address as instructed by him.²⁸

In case a member informs that he has not received the summons, a duplicate copy thereof is issued to him.

For instant supply of information to the members relating to the convening of a session, a practice of sending SMS message was started from the 213th Session of the Rajya Sabha in the year 2008. As soon as the Summoning Order duly signed by the President is received, the SMS message is transmitted to the members on their official mobile phones. The SMS contains basic information, viz., commencement and duration of session, first three ballot dates for questions and ballot dates for Private Members' Bills and resolutions, etc.

Along with the summons, every member is supplied a printed copy of the Provisional Calendar of sittings, showing the days on which the Rajya Sabha will sit and the type of business which will be transacted at each such sitting. However, when the Rajya Sabha was called for a brief two-day special session in 1977 (99th Session) and again in 1991 (158th Session) no Provisional Calendar of Sittings was issued. Members are also informed in detail, through a Parliamentary Bulletin, about the

President's Address, time of sittings of the House, procedure and dates of draw of lot for private members' business during the session, allotment of days for answering questions and procedure connected with the giving of notices and draw of lot for questions, etc. A chart showing the first and last dates of receipt of notices of questions is also supplied to each member, along with the summons.

If there is a change in the date of commencement of the session after the issue of summons, a fresh summons is issued cancelling the previous one and members are also informed accordingly.

If the House is adjourned *sine die* and before its prorogation, it can be reconvened. The reconvened session is regarded as the second part of the session and no fresh summons is issued to the members. Members are informed by a letter/SMS about the reconvening of the House.

The 151st Session which commenced on 18 July 1989, was adjourned *sine die* on 18 August 1989. It was not prorogued. On a proposal received from the Minister of Parliamentary Affairs, the Chairman reconvened the House on 11 October 1989. The two parts, preceding and following the period of adjournment of Rajya Sabha *sine die* on 18 August 1989, were treated as constituting one session divided into Part-I and Part-II. On the conclusion of Part-II of the session, the Rajya Sabha was adjourned *sine die* on 13 October 1989 and prorogued by the President on 20 October 1989.²⁹

The 153rd Session commenced on 12 March 1990. It was adjourned *sine die* on 30 March 1990. It was not prorogued. On a proposal received from the Minister of Parliamentary Affairs, the Chairman reconvened the House on 9 April 1990. The two parts, preceding and following the adjournment *sine die* on 30 March 1990, were treated as constituting one session divided into Part-I and Part-II. On the conclusion of Part-II on 10 April 1990, the Rajya Sabha was adjourned *sine die* the same day and prorogued by the President on 12 April 1990.³⁰

The 155th Session commenced on 7 August 1990, it was adjourned *sine die* on 7 September 1990. It was not prorogued. On a proposal received from the Minister of Parliamentary Affairs, the Chairman reconvened the House on 1 October 1990. The two parts, preceding and following the adjournment *sine die* on 7 September 1990, were treated as constituting one session divided into Part-I and Part-II. On the conclusion of Part-II on 5 October 1990, the Rajya Sabha was adjourned *sine die* the same day and prorogued by the President on 11 October 1990.³¹

The 200th Session commenced on 2 December 2003. It was adjourned *sine die* on 23 December 2003. It was not prorogued. On a proposal received from the Minister of Parliamentary Affairs, the Chairman

reconvened the House on 30 January 2004. The two parts, preceding and following the adjournment *sine die* on 23 December 2003, were treated as constituting one session divided into Part I and Part II. Consequently, when the House reassembled for Part-II of the 200th session on 30 January 2004, it was not treated as first session of the year and hence did not commence with the Address by the President. On the conclusion of Part-II of the session on 5 February 2004, the House was adjourned *sine die* the same day and prorogued by the President on 10 February 2004.³²

The 207th Session which commenced on 16 February 2006, was as per original schedule, to adjourn on 17 March 2006 to meet again on 3 April 2006 and continue upto 28 April 2006. However, due to controversy in the House over the issue of Offices of Profit, the House was adjourned *sine die* on 22 March 2006 (earlier, the first part of the session was also rescheduled). The House was reconvened on 10 May 2006 by the Chairman on a proposal received from the Minister of Parliamentary Affairs. The House was adjourned *sine die* on 23 May 2006.³³

The 214th Session which commenced on 17 October 2008 was adjourned early on 24 October 2008 to meet again on 10 December 2008. The session as per the original schedule, was to continue upto 21 November 2008. However, due to upcoming State Assembly elections in some States and consensus among members in the House, the House was adjourned till 10 December, 2008. Subsequently, the Minister of Parliamentary Affairs, through a letter requested the Chairman to fix the sittings of the session (second part) upto 23 December 2008. Thus, the 214th Session comprised two parts, the first part from 17 to 24 October 2008 and the second part from 10 to 23 December 2008. The session was prorogued by the President on 24 December 2008.³⁴

The second part of the 219th Session was scheduled to commence from 12 April 2010. However, the Minister of Parliamentary Affairs, through a letter requested the Chairman, that the House may resume its sittings from 15 April 2010 instead of 12 April 2010 in view of certain holidays falling on 12, 13 and 14 April 2010. Accordingly, the House reassembled for the second part of the 219th Session on 15 April 2010. The sittings of the House fixed for 12 and 13 April 2010 were treated as cancelled.³⁵

The 230th Session of the Rajya Sabha which commenced on 5 December 2013 was scheduled to continue till the 20 December 2013. The House was however adjourned *sine die* before schedule on 18 December 2013. It was not prorogued. The Minister of Parliamentary Affairs through a letter, requested the Chairman to reconvene the 230th Session on 5 February 2014 and fix the sittings upto 21 February 2014. The 230th Session was adjourned *sine die* on 21 February 2014 and prorogued by the President on 27 February 2014.³⁶

Summons to newly elected/nominated members is issued only after their election/nomination is notified in the Official Gazette as required under the Representation of the People Act, 1951.³⁷

In case a person becomes a member in the midst of a session, no summons as such is issued but he is informed about the commencement and probable date of conclusion of the session.

The 170th Session of the Rajya Sabha which commenced on 21 February 1994, adjourned on 18 March 1994, to meet again on 18 April 1994. As a result of the biennial elections held between January and March 1994, 58 members were elected to the Rajya Sabha and their term of office commenced on 3 April 1994. These members were, therefore, informed about the re-assembly date of session by sending a letter, to each under the signature of the Secretary-General. Along with the letter, a copy of the Provisional Calendar of Sittings for the session was also sent.³⁸

Similarly, 189th Session of the Rajya Sabha which commenced on 23 February 2000, adjourned on 16 March 2000, to meet again on 17 May 2000. As a result of biennial elections, 58 members were elected to the Rajya Sabha and the term of office for 52 members commenced on 3 April 2000 and for 6 members on 4 April 2000. These members were informed about the date of re-assembly of the session through a letter sent under the signature of the Secretary-General. As per the past practice, a copy of the Provisional Calendar of Sittings for the session was also sent.³⁹

The 195th Session of the Rajya Sabha commenced on 25 February 2002, adjourned on 22 March 2002 and met again on 15 April 2002. As a result of biennial elections, 58 members were elected to the Rajya Sabha and the term of office for 22 members commenced on 3 April 2002, and for 36 members on 10 April 2002. These members were informed about the date of re-assembly of the session through a letter sent under the signature of the Secretary-General and a copy of the Provisional Calendar of sittings for the session was also sent.⁴⁰

Summons is issued to a member who is elected to a State Legislature but has not resigned from the Rajya Sabha or the period of fourteen days from the date of his election to the State Legislature has not expired. For the same reason, summons is also issued to a member who becomes a Minister in a State till he continues to be a member of the Rajya Sabha.

Two members of the Rajya Sabha were elected to Orissa Legislative Assembly. Summons for the 75th Session (1971) were issued to them, in view of article 101(2) read with rule 2 of the Prohibition of Simultaneous Membership Rules, 1950.⁴¹

Where members are elected/nominated before the commencement of the session but after issue of summons, summons is issued to them for that session after receipt of information about their election/nomination and in such a case, the original date of the summons is retained but below it the new date of issue of the summons is indicated. In case of impending biennial elections, summons is not issued to members who are about to retire before the commencement of the session. The following cases illustrate the practice observed in this behalf.

In 1954, when one-third of the members retired, summons was not issued to the newly elected/nominated members as the 6th Session was not prorogued by the President but was adjourned to meet at a later date. Letters requesting them to attend the meetings of the House in their capacity as members, were, however, sent to them.⁴²

Summons for the following sessions was issued only to non-retiring members and to the newly elected/nominated members (summons was issued after completion of biennial elections with existing date and the new date of issue thereunder): (i) 21st Session (1958); (ii) 29th Session (1960); (As the time between the elections on 3 April and commencement of the session on 6 April was short, summons was issued by express telegram);⁴³ (iii) 88th Session (1974); (iv) 105th Session (1978); (v) 107th Session (1978); (vi) 109th Session (1979); (vii) 134th Session (1985); (viii) 135th Session (1985); (ix) 138th Session (1986) and (x) 139th Session (1986).

Summons for the 82nd Session (1972) commencing on 13 November 1972, was issued on 16 September 1972. Later, it was noticed that the term of office of a member from Jammu and Kashmir was due to expire on 10 November 1972. He was requested to treat the summons issued to him as cancelled.⁴⁴

Summons for the 106th Session (1978) was not issued to a member whose term was to end on a day before the commencement of the session. Summons was also not issued to the member elected in his place as the term of office of that member commenced on the day of commencement of the session. That member was informed telegraphically about the session.⁴⁵

Elections to fill two casual vacancies from Bihar were to be held on 7 July 1979. Secretary, Bihar Legislative Assembly, was requested to intimate to the members elected about the commencement of the 110th Session on 9 July 1979.⁴⁶

Summons was not issued to three members from Gujarat who were retiring on 13 August 1981, as the 119th Session was to commence on 17 August 1981. However, to those elected in their places on

14 August 1981, summons was issued upon the issue of notification of their election on that day.⁴⁷

Summons was not issued to six members from Tamil Nadu who were retiring on 24 July 1983 and the 127th Session was to commence the next day. One member from Pondicherry was due to retire on 27 July 1983 and so the summons was issued to him.⁴⁸

The Rajya Sabha was reconvened for a two day sitting on 9 and 10 April 1990, after its adjournment *sine die* on 30 March 1990, during the 153rd Session (second part). Thirty-four members had retired on 2 April and the other thirty-eight were due to retire on 9 April. As it was not a fresh session, three sets of letters/telegrams requesting members to attend the second part of the session were issued as follows:

- (i) to non-retiring members, and members elected on 2 April – to attend the sittings of 9 and 10 April;
- (ii) to members retiring on 9 April – to attend only that day's sitting;
- (iii) to members elected in place of retiring members as at (ii) – to attend only the sitting of the House on 10 April.⁴⁹

The 162nd Session which was due to adjourn on 31 March 1992, was extended upto the 3 April 1992. Eighteen members who were elected at the biennial elections were informed telegraphically about the extension of the session.⁵⁰

In case a member becomes subject to a disqualification after the issue of a summons to him to attend the session, he is requested to treat the summons as cancelled.

The President of India decided on 8 September 1982 that Shri R. Mohanrangam, a sitting member had become subject to disqualification under article 102(1)(a) of the Constitution. He was requested to treat the summons in respect of the 124th Session issued to him as cancelled.⁵¹

Summons is not issued to a member whose election to the Rajya Sabha has been declared void by the court. As regards the stay order granted by the court on the judgement of the court setting aside the election of a member, the question whether summons should be issued to such a member or not is decided on the basis of the terms of the stay order. The following cases illustrate the practice in this behalf:

The Supreme Court by its Order dated 21 May 1957, directed that Maulana Abdul Shakoof, a member “shall not function as a member of

the Council of States... except to the extent absolutely necessary to attend the session of the said Council of States in order to avoid forfeiture of the seat for continued absence.” The effect of this was that during the pendency of the Court’s Order the member might attend the House only for the purpose of avoidance of forfeiture of his membership due to continued absence. As the member’s absence throughout that (18th) Session would not result in his exceeding sixty days of absence under article 101(4) of the Constitution, it was decided that a formal summons addressed to the member requiring him to attend the session would not be in accord with the Supreme Court’s Order. On the other hand, the member could attend the session even without the summons. No summons was, therefore, issued to him for that session.⁵²

The Election Tribunal at Patna declared the election of Shri R.P. Jain to the Rajya Sabha void. Summons dated 3 June 1965, for the 53rd Session was, therefore, not issued to him. Subsequently, the High Court of Patna stayed the operation of the Order of the Tribunal on 30 June 1965. Summons was thereafter issued to the member “to restore to him the rights of his membership which had been withdrawn from him on receipt of the Order of the Election Tribunal.”⁵³

Dr. M. Chenna Reddy was elected to the Andhra Pradesh Legislative Assembly in the general election held in March 1967. He resigned his seat in the Assembly before he became a member of the Rajya Sabha on 3 April 1968. The High Court of Andhra Pradesh set aside his election to the Assembly by a judgment delivered on 26 April 1968. The Supreme Court by its Order dated 4 June 1968, stayed the operation of the High Court judgement and ordered that—

- (a) Dr. M. Chenna Reddy be permitted to take the oath of membership of the Rajya Sabha;
- (b) he be entitled to attend the Rajya Sabha for the minimum number of days to save himself from being disqualified;
- (c) he should not take part in the proceedings of the House nor would he have right to vote or draw any salary or allowances.

In view of the above, summons dated 22 May 1968, for the 65th Session commencing on 22 July 1968, was not issued but only the Bulletin and Calendar of Sittings were issued to Dr. Reddy.⁵⁴

The Madras High Court by its Order dated 14 October 1974, set aside the election of Shri John *alias* Valampuri John elected in the biennial election in March 1974. The Supreme Court granted an *ex parte* stay on 10 January 1975, on the terms that Shri John would be entitled to attend the Rajya Sabha sessions and sign the Attendance Register for the minimum number of days to keep his seat intact, but would

not participate in the proceedings or vote or draw any remuneration. Summons for the 94th (1975) and the 99th (1977) Sessions were, however, issued to him pending disposal of his appeal in the Supreme Court.⁵⁵

The Allahabad High Court declared the election of Shri P.N. Sukul to the Rajya Sabha void on 10 July 1981. The Court, however, granted stay order for three weeks, *i.e.*, upto 4 August 1981, subject to the following conditions:

- (i) he could attend meetings of the committees of which he was made a member or for which he was elected in his capacity as a member of the Rajya Sabha but he would not be entitled to vote nor would he take part in debates there;
- (ii) he would not be entitled to get any pay or allowances due as a member of the Rajya Sabha but he could stay in the house allotted to him.

Summons for the 119th Session commencing on 17 August 1981, was not issued to him initially since it was felt that Shri Sukul's membership of a committee of the Rajya Sabha only was saved by the stay order.

Meanwhile, Shri Sukul approached the Supreme Court for *ex parte* stay order which was granted on 30 July 1981. Summons was, therefore, issued on 3 August 1981. The stay order was confirmed by the Supreme Court on 12 October 1981.⁵⁶

The Guwahati High Court by its Order dated 7 November 1990, set aside the election of Shri Amritlal Basumatary to the Rajya Sabha from Assam and declared Shri Hiteshwar Saikia elected in his place. Summons for the 156th Session commencing on 27 December 1990, was not issued to either of them. The Supreme Court, on appeal by Shri Basumatary, by the Order dated 6 December 1990, stayed the operation of the High Court's Order, permitted him to attend the Rajya Sabha and sign the Register but ordered that he would not be entitled to participate in the proceedings or exercise his right to vote or draw any remuneration. After the stay order, the Summons for the 156th, 157th and 158th Sessions were issued. Subsequently, the Supreme Court *vide* its Order dated 1 August 1991, dismissed Shri Basumatary's appeal. Since Shri Hiteshwar Saikia, during the pendency of Shri Basumatary's appeal in the Supreme Court, had become Chief Minister of Assam and a representation to the effect that he was not interested in being a member of the Rajya Sabha was made on his behalf before the Supreme Court, his seat was declared vacant by the Court with effect from that date.⁵⁷

The Election Commission by its Order dated 8 July 1991, issued under section 10A of the Representation of the People Act, 1951, declared Shri W. Kulabidhu Singh disqualified to be a Member of Parliament/

State Legislature. Summons and other papers for the 160th Session were accordingly not issued to him. He filed a petition in the Delhi High Court which issued a show cause notice to the Election Commission but did not stay the operation of the order. Summons for the 161st Session was also not issued to him. Subsequently, the High Court of Delhi stayed the operation of the Election Commission's Order on 18 November 1991. Issue of summons to the member was, therefore, resumed.⁵⁸

Extension of session

After the commencement of the session, sittings of the House may be required to be extended beyond the schedule notified to members in the Provisional Calendar of Sittings. This is generally done for the transaction of Government business and the matter is discussed in the Business Advisory Committee and its recommendation is announced by the Chair to the House. Simultaneously, members are informed through a Bulletin. Ministries, etc. of the Government of India are also informed by a separate circular.

There have been a number of occasions when sessions have been extended by a day or couple of days and even more. Generally, the Chair announces such extension but sometimes the Leader of the House or the Minister of Parliamentary Affairs may also make such announcement.

The 224th Session of the Rajya Sabha was originally scheduled from 22 November 2011 to 21 December 2011. It was extended first by one day, *i.e.*, 22 December 2011 and again by three days, *i.e.* 27, 28 and 29 December 2011. Extension of one day was due to cancellation of a sitting on 5 December 2011 due to *Muharram* on 6 December 2011. However, the extension of 3 days of the 224th Session was for the purpose of consideration of the Lokpal and Lokayuktas Bill, 2011.⁵⁹

The 229th Session of the Rajya Sabha was extended twice. The session which commenced on 5 August 2013 was scheduled to conclude on 30 August 2013. It was first extended for 5 days till 6 September 2013 for consideration of the National Food Security Bill, 2013 and the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013. Again, it was extended by one day *i.e.*, till 7 September 2013 for consideration of the Appropriation (No.4) Bill, 2013 and some other Bills.⁶⁰

Adjournment *sine die*

During the course of a session, the Rajya Sabha may be adjourned from day to day or for more than a day. It may also be adjourned *sine die*. The adjournment of the House means the suspension of the sitting of the

House till the following or some later day or hour of time. Adjournment *sine die* means termination of the sitting of the House without specifying or fixing any definite date for its next sitting.

The power to adjourn the House from time to time or *sine die* vests in the Presiding Officer. He does so at a fixed hour or at such other hour as he may determine after taking the sense of the House. The Chairman may, if he thinks fit, call a sitting of the House before the date or hour to which it has been adjourned or at any time after the House has been adjourned *sine die* but before it is prorogued by the President.

On 3 December 1971, the Rajya Sabha was adjourned till Monday, 6 December 1971. Meanwhile war broke out with Pakistan. The Chairman directed that the Rajya Sabha should sit on Saturday, 4 December and the Rajya Sabha met accordingly. A Parliamentary Bulletin Part-II to that effect was issued to members on Friday, 3 December itself and the Part-I Parliamentary Bulletin of 4 December 1971, contained the following note before the record of the proceedings:

The Chairman having directed that Rajya Sabha which had been adjourned till Monday, 6 December 1971, would sit at 11.00 a.m. on Saturday, 4 December 1971, the Rajya Sabha met at 11.00 a.m.

Adjournment *sine die* before schedule

The 36th Session was, as per the Provisional Calendar of Sittings, to conclude on 22 December 1961. On 4 December 1961, the Deputy Chairman announced that the Rajya Sabha would adjourn *sine die* on 15 December 1961, and sittings of the House fixed for 18, 19, 20, 21 and 22 December 1961, had accordingly been cancelled. The House was accordingly, adjourned *sine die* on 15 December 1961.

The Minister of Parliamentary Affairs announced the Government Business for the remaining part of the 39th Session on 16 June 1962, and the last item mentioned was for 26 June 1962. On 19 June 1962, the Chairman announced that the session, as indicated in the programme announced by the Minister of Parliamentary Affairs, would conclude on 26 June 1962, though the session was to conclude on 29 June 1962. The House was accordingly adjourned *sine die* on 26 June 1962.

On 16 July 1979, at the commencement of the sitting of the House, the Leader of the Opposition (Shri Kamalapati Tripathi) mentioned that the Prime Minister had resigned. There was a demand that the House should be adjourned. The Chairman adjourned the House *sine die* "in view of the Presidential communication in the matter."

On 20 August 1979, the Leader of the House (Shri K.C. Pant) informed the House that the Government had resigned and there was no business

before the House so it might be adjourned *sine die*. The Chairman read out the following letter of the Prime Minister:

Dear Mr. Chairman,

I have submitted my resignation and that of my Council of Ministers to the President. In consequence of this, I request that the business scheduled for today may not be taken up.

The Chairman asked whether he could adjourn the House. Upon some members answering in the affirmative, he adjourned the House *sine die*.

The second part of the 151st Session which was convened to meet on 11 October 1989, was originally to conclude on 16 October 1989. It was mainly to consider the Constitution (Sixty-fourth and Sixty-fifth Amendment) Bills, 1989, relating to Panchayati Raj and Municipalities. Government decided to take up the Bills on 13 October 1989, itself. The Bills failed to get the requisite majority in the House under article 368 of the Constitution. After pronouncing the result of the voting, the Chairman adjourned the House *sine die*.

The 157th Session was scheduled to conclude on 27 March 1991. On 6 March 1991, when the House reassembled after the lunch-recess, the Leader of the House (Shri Yashwant Sinha) announced that the Prime Minister was on his way to the Rashtrapati Bhawan to tender his and that of his Council of Ministers' resignation and requested the Chair to adjourn the sitting of the House for the day. Next day, after the Secretary-General laid on the Table a copy each of the letters from the Prime Minister to the President tendering the resignation and from the President to the Prime Minister accepting the resignation, received from the Secretary to the President, the House was adjourned till 11 March 1991. The House considered and disposed essential legislative and other business including the Constitution (Seventy-fifth Amendment) Bill, 1991 (regarding extension of the President's Rule in Punjab) in the next two days, *i.e.*, on 12 March 1991, and 13 March 1991. The House was adjourned *sine die* on 13 March 1991, with valedictory remarks of the Deputy Chairman.

The 172nd Session which commenced on the 7 December 1994, was scheduled to conclude on 23 December 1994, as per the Provisional Calendar of Sittings. On the last day of the session, there was grave disorder on the issue arising out of the Gyan Prakash Committee Report. The Deputy Chairman repeatedly said that she would adjourn the House *sine die*, as per the procedure. Thereafter, the National Song (*Vande Mataram*) was played and she adjourned the House *sine die* at 12.17 p.m.

The 177th Session, first after the constitution of Eleventh Lok Sabha, commenced on 24 May 1996 and was scheduled to conclude on

31 May 1996. But due to the resignation of Prime Minister, Shri Atal Bihari Vajpayee and that of his Council of Ministers on 29 May 1996, the House adjourned *sine die* on 30 May 1996.

The second part of the 186th Session which was convened to meet on 12 April 1999, was originally to conclude on 14 May 1999. Owing to the loss of Vote of Confidence by the Government headed by Shri Atal Bihari Vajpayee in Lok Sabha on 17 April 1999, the session concluded before schedule on 23 April 1999.

The second part of the 192nd Session which was convened to meet on 16 April 2001, was originally to conclude on 11 May 2001. However, due to continuous interruptions in the House in the wake of revelations made in the Tehelka tapes, the House adjourned *sine die* on 27 April 2001.

The 194th Session which commenced on 19 November 2001, was scheduled to conclude on 21 December 2001 as per the Provisional Calendar of Sittings. After the terrorist attack on Parliament on 13 December 2001, the House discussed the situation arising out of the attack and adjourned *sine die* on 19 December 2001.

The 196th Session which commenced on 15 July 2002, was scheduled to conclude on 14 August 2002, as per the provisional calendar of sittings. However, due to continuous interruptions in the House for five consecutive days on the issue of irregularities in the allotment of petrol pumps, the House adjourned *sine die* on 12 August 2002.

The 222nd Session which commenced on 21 February 2011 was scheduled to conclude on 21 April 2011. However, due to upcoming State Assembly elections in five States, *i.e.* Assam, Kerala, Puducherry, Tamil Nadu and West Bengal, the House was adjourned *sine die* on 25 March 2011.

The second part of the 228th Session which commenced on 22 April 2013 was scheduled to conclude on 10 May 2013. However, due to continuous interruptions on the issue of corruption and allocation of coal blocks, the House was adjourned *sine die* on 8 May 2013.

Prorogation and its effects

“Prorogation means the end of a session (not of a Parliament).”⁶¹ “A prorogation terminates a session; an adjournment is an interruption in the course of a single session.”⁶² A session is terminated only by prorogation and not by adjournment.⁶³ The period between the prorogation of the House and its reassembly in a new session is termed as “inter-session” period. The session of the House is terminated by an order called the “Prorogation Order” made by the President under article 85(2) of the

Constitution. Usually prorogation follows the adjournment of the House *sine die*. After obtaining the approval of the Cabinet Committee on Parliamentary Affairs to prorogue the House, the Ministry of Parliamentary Affairs conveys Government's decision to the Secretary-General.⁶⁴ On the basis of this communication, a note signed by the Secretary-General is sent to the Secretary to the President together with a Prorogation Order for approval and signature of the President in the following form:

In exercise of the powers conferred upon me by sub-clause (a) of clause (2) of article 85 of the Constitution, I hereby prorogue the Rajya Sabha.

The... (date), 20.....

PRESIDENT.⁶⁵

On receipt of the Order as signed by the President, the same is published in the form of a notification in the Gazette of India, Extraordinary, under the signature of the Secretary-General the same day. Members are informed about the prorogation through a paragraph in the Parliamentary Bulletin, the general public through a press communique and media and Ministries of Government of India, etc. by circular.

The time-lag between the adjournment of the House *sine die* and its prorogation varies between 2 and 10 days, although there are instances when the Rajya Sabha was prorogued on the same or the next day of its adjournment *sine die*. There are also instances when the gap between the adjournment of the House *sine die* and its prorogation was somewhat long.

It is not necessary that both Houses should be prorogued simultaneously.⁶⁶

The 170th Session of the Rajya Sabha commenced on 21 February 1994, and adjourned on 18 March 1994, to meet again on 18 April 1994; it again adjourned on 13 May 1994, to meet on 13 June 1994. The Lok Sabha was also adjourned likewise. However, on 24 May 1994, the Lok Sabha was prorogued⁶⁷ but the Rajya Sabha continued to be "in session."

On 24 and 25 May 1994, the President promulgated following three Ordinances⁶⁸ under Article 123(2)(a) of the Constitution:—

- (i) The Manipur Municipalities Ordinance 1994 (No. 6 of 1994);
- (ii) The Punjab Municipal Corporation Law (Extension to Chandigarh) Ordinance 1994 (No. 7 of 1994); and
- (iii) The New Delhi Municipal Council Ordinance, 1994 (No. 8 of 1994)

The 234th Session of the Rajya Sabha commenced on 23 February 2015 and adjourned on 20 March 2015 to meet again on the 20 April 2015.

The Lok Sabha was also adjourned likewise. However, on the 28 March 2015 Rajya Sabha was prorogued⁶⁹ but the Lok Sabha continued to be 'in Session'.

On 3 April 2015 the President promulgated under Article 123(2)(a) of the Constitution The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 (Ordinance No. 4 of 2015).

On prorogation, a session of the House terminates. The prorogation affects different categories of business pending before the House as follows:

(a) *Bills*: Article 107(3) of the Constitution expressly provides that a Bill pending in Parliament shall not lapse by reason of the prorogation of the House. This saving also covers Bills pending before a Select or Joint Committee of the House(s).⁷⁰ Notices of intention to move for leave to introduce Bills also do not lapse on prorogation and no fresh notice is necessary in the next session for that purpose except where any sanction or recommendation granted under the Constitution in respect of a Bill has ceased to be operative.⁷¹

(b) *Motions and Resolutions*: On the prorogation, all pending notices except those relating to introduction of Bills as mentioned above, lapse and fresh notices must be given for the next session.⁷² This covers notices of motions, calling attention, resolutions, amendments, etc. Motions and resolutions which have been moved and are not disposed in the session also lapse upon prorogation and are not taken up for further discussion in the next session unless a specific motion to that effect is moved and carried or the House agrees by consensus.⁷³

On 30 April 1954, 10 December 1954 and 6 May 1994, motions were moved and the House agreed for adjournment of debates on private members' resolutions then under discussion to the next days allotted for private members' resolutions in the next sessions to be taken up as the first item on those days. Accordingly, the debate on the resolution of 30 April 1954, was resumed on 27 August 1954 (7th Session) and that of 10 December 1954, on 4 March 1955 (9th Session). So far as the resolution of 6 May 1994 was concerned, on 5 August 1994 (171st Session), the House agreed by consensus, to postpone further discussion thereon, to 19 August 1994, the next day allotted for private members' resolution in the same session to be taken up as the first item on that day. Further discussion on the resolution on 19 August 1994 also remained inconclusive and the resolution was carried to the next session (172nd Session), following an announcement in this regard by the Chair with the consensus of the House. However, further discussion on the resolution could not be taken up during the 172nd Session due to abrupt adjournment of the House on 16 December 1994. On the recommendation of the Business

Advisory Committee, further discussion on the resolution was taken up on 24 March 1995 (173rd Session) and concluded that day.⁷⁴

On 25 August 1995, the House by consensus decided that the discussion on the private member's resolution regarding New Telecom Policy should be resumed on the next day allotted for the purpose in the next session (175th Session).⁷⁵

On 14 December 2012, the House by consensus decided that the discussion on the private members' resolution regarding need to amend Section 66A of the IT Act, 2000 should be resumed on the next day allotted for the purpose in the next session (227th Session).⁷⁶

On 7 September 1970, further discussion on the Government Motion regarding Reports of the Commissioner for SC/ST was postponed to the next session to be taken up on its first day.⁷⁷ It was accordingly, resumed on 9 November 1970 (74th Session).

On 7 April 1971, on a motion moved, the discussion on a motion disapproving the conduct of some members during the President's Address was postponed to the next session. (However, it was not resumed in the subsequent session).⁷⁸

On 1 December 1988, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and in the Ministry of Home Affairs, moved a motion for consideration of certain reports of the UPSC. The discussion remained inconclusive. It was resumed in the next session (149th) without any motion to that effect.⁷⁹

(c) Business pending before Parliamentary Committees: The Rules of Procedure specifically provide that any business pending before a committee shall not lapse by reason only of the prorogation of the House and the committee shall continue to function notwithstanding such prorogation.⁸⁰

On prorogation of either House of Parliament, the President has the power to issue Ordinances under article 123. If an Ordinance is issued and notified before the order of prorogation, the Ordinance would be void.⁸¹

Effect of dissolution of Lok Sabha on business before Rajya Sabha

The Rajya Sabha is not subject to dissolution⁸² unlike the Lok Sabha, which alone is subject to dissolution under the Constitution. All business pending before that House lapses on its dissolution. However, the dissolution of that House also affects the business pending before the Rajya Sabha to a certain extent, as indicated below:

(a) Legislative business: Article 107(4) provides that a Bill pending in the Rajya Sabha which has not been passed by the Lok Sabha shall not lapse

on the dissolution of the Lok Sabha. However, under article 107(5) a Bill which is pending in the Lok Sabha or which having been passed by the Lok Sabha is pending in the Rajya Sabha, lapses on the dissolution of the Lok Sabha. Under article 108(5), a Joint Sitting of both Houses to resolve a deadlock on a Bill may be held and a Bill passed in such a sitting, notwithstanding the fact that a dissolution of the Lok Sabha has intervened since the President has notified his intention to summon the Houses to meet in a Joint Sitting. The effect of these provisions, therefore, is—

- (i) Bills originating in the Rajya Sabha which are still pending in that House do not lapse on the dissolution of the Lok Sabha.
- (ii) Bills originating in the Rajya Sabha which having been passed by that House and transmitted to the Lok Sabha and pending there lapse on the dissolution of the Lok Sabha.

The number of Bills which lapsed under this category is: two of the First Lok Sabha, one of the Second Lok Sabha, six of the Third Lok Sabha, thirteen of the Fourth Lok Sabha, three of the Fifth Lok Sabha, four of the Sixth Lok Sabha, six each of the Seventh and the Eighth Lok Sabha, four of the Ninth Lok Sabha, one of the Tenth Lok Sabha, one of the Eleventh Lok Sabha, five of the Twelfth Lok Sabha, three of the Thirteenth Lok Sabha and one of the Fourteenth Lok Sabha.

- (iii) Bills originating in the Lok Sabha which having been passed by that House and transmitted to the Rajya Sabha and still pending there on the date of dissolution of the Lok Sabha, lapse.

The number of Bills which lapsed under this category is: two each of the Second and the Fourth Lok Sabha, four of the Sixth Lok Sabha, one of the Seventh Lok Sabha, four each of the Eighth and the Tenth Lok Sabha, one of the Eleventh Lok Sabha, four of the Twelfth Lok Sabha, and eight of the Fourteenth Lok Sabha.

- (iv) Bills originating in the Rajya Sabha and returned to that House by the Lok Sabha with amendments and still pending there on the date of its dissolution, lapse.

The Architects Bill, 1968, was passed by the Rajya Sabha on 7 May 1970. The Lok Sabha returned the Bill to the Rajya Sabha with amendments on 3 December 1970. The Bill as amended was pending till the Lok Sabha was dissolved on 27 December 1970. The Bill thus lapsed.

- (v) A Bill upon which the Houses have disagreed and the President has notified his intention to summon a Joint Sitting of the Houses to consider the Bill prior to dissolution does not lapse on the dissolution of the Lok Sabha.⁸³

- (vi) A Bill passed by the two Houses of Parliament and sent to the President for assent does not lapse on the dissolution of the Lok Sabha.

There is no express provision in the Constitution regarding the effect of dissolution of the Lok Sabha on a Bill pending before the President for assent. In *Purshothaman Nambiar v. State of Kerala*,⁸⁴ it was held that a Bill pending assent of the Governor or President is outside clause (5) of article 196 and cannot be said to lapse on the dissolution of the Assembly.⁸⁵

The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 1991 as passed by the Lok Sabha was passed by the Rajya Sabha on 13 March 1991. The Ninth Lok Sabha was dissolved the same day. The Bill was submitted to the President for assent on 18 March 1991 by the Rajya Sabha Secretariat. The President withheld the assent to the Bill on 6 March 1992 and the Rajya Sabha was informed accordingly on 9 March 1992.⁸⁶

- (vii) A Bill returned by the President to the Rajya Sabha for reconsideration of the Houses does not lapse if the dissolution of the Lok Sabha takes place without the Houses having reconsidered the Bill.

The Indian Post Office (Amendment) Bill, 1986, as passed by the Houses of Parliament was submitted to the President for his assent on 19 December 1986. The Bill remained pending before him till the dissolution of the Eighth Lok Sabha on 28 November 1989. The President returned the Bill to the Rajya Sabha for reconsideration of the Houses on 7 January 1990. The Ninth Lok Sabha was dissolved on 13 March 1991; the Tenth Lok Sabha was also dissolved on 15 May 1996. The Bill remained in the Rajya Sabha for reconsideration of the Houses till it was withdrawn on 21 March 2002.⁸⁷

(b) *Business pending before Joint Committees of the two Houses:*

(1) Joint Committees on Bills:

On the dissolution of the Lok Sabha, a Joint Committee consisting of members of both Houses initiated by that House stands dissolved and as such, members of the Rajya Sabha serving on such a Joint Committee also cease to be the members of the said Joint Committee along with the members of the Lok Sabha. On the same analogy, on the dissolution of the Lok Sabha, members of the Lok Sabha serving on a Joint Committee initiated by the Rajya Sabha cease to be the members of such a Joint Committee. In both the cases the status of the Committee *qua* Joint Committee

disappears and the Joint Committee becomes *functus officio*. The Joint Committees initiated by the Rajya Sabha on the following Bills became *functus officio* on the dissolution of the Lok Sabha:

(i) The Religious Trusts Bill, 1960; (ii) The Constitution (Thirty-second Amendment) Bill, 1973; (iii) The Multi-State Cooperative Societies Bill, 1977; (iv) The Khadi and Village Industries Commission (Amendment) Bill, 1978; (v) The Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1978; (vi) The Prasar Bharati (Broadcasting Corporation of India) Bill, 1979; (vii) The Shipping Agents (Licensing) Bill, 1988; (viii) The Representation of the People (Amendment) Bill, 1990; and (ix) The Acquired Immuno Deficiency Syndrome (AIDS) Prevention Bill, 1990.

The following Joint Committees were constituted afresh when previous Joint Committees on the same Bills became *functus officio* due to dissolution of the Lok Sabha:

(i) The Joint Committee on the Foreign Marriage Bill, 1963;⁸⁸ (ii) The Joint Committee on the Motor Vehicles (Amendment) Bill, 1965;⁸⁹ (iii) The Joint Committee on the Prevention of Water Pollution Bill, 1969;⁹⁰ (iv) The Joint Committee on the Code of Criminal Procedure Bill, 1970;⁹¹ (v) The Joint Committee on the Viswa-Bharati (Amendment) Bill, 1978; and (vi) The Joint Committee on the Mental Health Bill, 1981.

The Viswa-Bharati (Amendment) Bill, 1978 introduced in the Rajya Sabha on 23 March 1978, was referred by a motion to the Joint Committee of Houses of Parliament on 25 July 1978. The Lok Sabha concurred in the motion on 31 August 1978. Before the Joint Committee could complete the work and present its Report, the Lok Sabha was dissolved on 22 August 1979. A new Lok Sabha was constituted on 21 January 1980. When the Minister of Education sought to move a motion for *de novo* reference of the Bill to a new Joint Committee on 17 June 1980, in the Rajya Sabha, a point of order was raised objecting to the form of the motion. It was contended that since it was the Rajya Sabha by which the Joint Committee was earlier set up, the dissolution of the Lok Sabha did not affect the existence of the Committee. The seats of the Lok Sabha members only became vacant and should be filled up by treating the Joint Committee as in existence. The earlier precedents of treating the Joint Committees as having become defunct should be set right. By his ruling given in the House on 1 July 1980, the Chairman, *inter alia*, observed:

It appears to me that the practice of having a *de novo* motion for reference of a Bill to a Joint Committee in the event of dissolution of the Lok Sabha subsequently, has become inveterate and we should follow it till a definite rule neutralises the precedents... As the matter is not *res integra* and is covered by precedents, I rule that the precedents which are clear should be followed in the present case also.⁹²

The Ministry of Law and Justice whose opinion in the matter was sought was also of the view that earlier precedents should be followed.⁹³ The same procedure was followed in respect of the Joint Committee on the Mental Health Bill, 1981.⁹⁴

(2) Statutory Joint Committees:

Members of the Rajya Sabha elected to serve on the Committee on Official Language which consists of members of both Houses continue to remain on that Committee notwithstanding the dissolution of the Lok Sabha. Only the members of the Lok Sabha on that Committee cease to be members of the Committee on the dissolution of that House. The reason for his position is that the Official Language Committee derives its authority from an Act of Parliament and the term of the members on that Committee is co-terminus with their term as members of the House.⁹⁵ As opined by the Ministry of Law and Justice:

It would be possible to distinguish it on the ground that it was a statutory Committee and the members having been elected to that Committee by the Rajya Sabha, they remain members and the Committee itself could continue to function notwithstanding the absence of the members of the Lok Sabha, consequent on its dissolution, provided the necessary quorum was present.⁹⁶

(3) *Ad hoc* Committees:

An *ad hoc* Joint Committee of Parliament also becomes *functus officio* on the dissolution of Lok Sabha.

Consequent on the discussion on a calling attention, a House Committee⁹⁷ on functioning of Wakf Boards in the country was constituted on 29 October 1996. This committee was further converted into a Joint Committee involving members from Lok Sabha also. The Joint Committee stood dissolved due to dissolution of the Eleventh Lok Sabha on 4 December 1997. The Committee was reconstituted on request of some members on 28 January 1999. The Committee again stood dissolved due to dissolution of the Twelfth Lok Sabha on 26 April 1999. The Committee was reconstituted again on 27 May 2000, after the Thirteenth Lok Sabha was constituted. With the dissolution of Thirteenth Lok Sabha on 6 February 2004, the Committee again got dissolved. After the constitution of Fourteenth Lok Sabha on 17 May 2004, the Committee was reconstituted on 2 January 2006 and was dissolved consequent to the dissolution of the Lok Sabha in May 2009.

NOTES AND REFERENCES

1. Art. 83(1).
2. Art. 83(2).
3. Art. 85(1).
4. Art. 85(2).
5. In the Rajya Sabha the common term used is "inter-session period", or "interregnum".
6. May, p. 144.
7. The last sessions of 1962 and 1990 extended to January of the next respective years.
8. R. 272.
9. Art. 77(3).
10. Annual Report of the Ministry of Parliamentary Affairs, 1993-94, p. 3.
11. The Summoning Orders for the 36th (1961), 52nd (1965) and 103rd (1977) sessions were signed by the Vice-President discharging the functions of the President; the Summoning Orders for the 69th (1969), 99th (1977), 100th (1977), 101st (1977) and 102nd (1977) sessions were signed by the Vice-President acting as the President.
12. F. No. 1/4/55-L.
13. R. 3(2).
14. R. S. Deb., 24.8.1953, c. 72-93.
15. F. No. 1/ 5/62-L.
16. F. No. 1/1/65-L.
17. F. No. 1/1/67-L.
18. F. No. 1/2/75-L.
19. F. No. 1/3/77-L.
20. R. S. Deb., 14.6.1962, c. 1-2.
21. Art. 85(1).
22. F. No. 40/9/67-L and R.S. Deb., 10.12.1968, c. 3333-34.
23. R. S. Deb., 26.11.1962, c. 2364-65.
24. R. 3(1).
25. When the Summoning Order is signed by the Vice-President discharging the functions of the President or the Vice-President acting as the President, necessary modification is made in the Summons.
26. R.S. Deb., 15.12.1969, c. 4172-73.
27. F. No. 1/4/69-L.
28. F. Nos. 1/3/75-L, 1/4/75-L, 1/1/76-L, 1/2/76-L, 1/3/76-L, 1/4/76-L, 1/1/77-L, 1/1/79-L, 1/3/81-L, 1/3/82-L, 1/1/84-L, 1/2/84-L, 1/1/85-L, 1/2/85-L and 1/1/2012-L.
29. F. No. 1/3/89-L.
30. F. No. 1/1/90-L.
31. F. No. 1/3/90-L.
32. F. No. 1/3/2003-L.
33. F. No. 1/1/2006-L.
34. F. No. 1/2/2008-L.
35. F. No. 1/1/2011-L.
36. F. No. 1/3/2013-L.
37. R. P. Act, 1951, s. 27.
38. F. No. 1/1/94-L.
39. F. No. 1/1/2000-L.
40. F. No. 1/1/2002-L.
41. F. No. 1/1/71-L.
42. F. No. 1/1/54-L.
43. F. No. 1/2/60-L.
44. F. No. 1/4/72-L.
45. F. No. 1/3/78-L.
46. F. No. 1/3/79-L.
47. F. No. 1/3/81-L.
48. F. No. 1/3/83-L.

49. F. No. 1/1/90-L.
50. F. No. 1/1/92-L.
51. F. No. 1/4/82-L; *see also* Bn. (II), 29.9.1982.
52. F. No. 1/3/57-L.
53. F. No. 1/3/65-L.
54. F. Nos. 1/3/68-L and 35/1/68-L.
55. F. Nos. 24/74/-T, 1/1/76-L and 1/1/77-L.
56. F. No. 24/81-T.
57. F. Nos. 15/90-T and 1/3/91-L.
58. F. Nos. 10/91-T, 1/4/91-L and 1/5/91-L.
59. F. No. R.S. 1/3/2011-L.
60. Bn. (II), 27.8.13, 6.9.2013.
61. Ilbert, C., *Parliament: its history, constitution and practice*, 3rd Edn. London: Oxford, 1950.
62. May, p. 144.
63. *H. Siddaveerappa & others v. State of Mysore*, AIR 1971, Mys. 200.
64. Annual Report of the Ministry of Parliamentary Affairs, 1993-94, pp. 3-4.
65. Prorogation Orders for the 35th and 36th sessions (1961) and the 51st session (1965) were signed by the Vice-President discharging the functions of the President. Prorogation Orders for the 68th session (1969), 99th, 100th and 101st sessions (1977) were signed by the Vice-President acting as the President.
66. Art. 85(2)(a).
67. L.S. Bn. (II), 24.5.1994.
68. L.S. Bn. (I), 13.6.1994.
69. R.S. Bn. (II), 28.3.2015.
70. R. 226.
71. R. 225.
72. *Ibid.*
73. R. 28(1).
74. R.S. Deb., 30.4.1954, c. 4776; 27.8.1954, c. 602; 10.12.1954, c. 1486; 4.3.1955, c. 1154; 6.5.1994; 5.8.1994; 19.8.1994; 24.3.1995; and BAC mts., 23.3.1995.
75. *Ibid.*, 25.8.1995.
76. *Ibid.*, 14.12.2012, p. 410.
77. *Ibid.*, 7.9.1970, c. 134.
78. *Ibid.*, 7.4.1971, c. 209.
79. *Ibid.*, 1.12.1988, c. 358-78; and 3.4.1989, c. 129-70.
80. R. 226.
81. *Bidya Chowdhry v. Province of Bihar*, AIR 1950 Patna 19.
82. Art. 83(1).
83. Art. 108(5).
84. AIR 1962 SC 694.
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86. R.S. Deb., 9.3.1992, c. 277; and F. No. 1/31/91-B.
87. Ministry of Law & Justice Opinion.
88. R.S. Deb., 13.5.1968, c. 2777-81.
89. *Ibid.*, 13.2.1968, c. 165-70.
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96. Ministry of Law & Justice Opinion, *op. cit.*
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