

## CHAPTER—7

### President's Address, Motion of Thanks and Messages

#### Constitutional provisions

Articles 86 and 87 of the Constitution deal with the Address by the President. Article 86 confers a right on the President to address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members. However, since the commencement of the Constitution, the President has not so far addressed a House or Houses together under this provision.

Article 87 deals with Special Address by the President and provides that the President shall address both Houses of Parliament assembled together at the commencement of the first session after each general election to the Lok Sabha and at the commencement of the first session of each year and inform Parliament of the causes of its summons.<sup>1</sup> Article 87(1) originally required the President to address both Houses of Parliament at the commencement of every session. The Constitution (First Amendment) Act, 1951, amended this provision. The Prime Minister while replying to the debate on clause 7 of the Constitution (First Amendment) Bill, 1951, observed:

The real difficulty of course, is that this involves a certain preparation outside this House which is often troublesome. Members are aware that when a coach and six horses come all kinds of things have to be done for that purpose. Anyhow that trouble does not fall on the House or members thereof, but on the administration of Delhi.<sup>2</sup>

No other business is transacted till the President has addressed both Houses of Parliament assembled together. In *Syed Abdul Mansur Habibullah v. The Speaker, West Bengal Legislative Assembly*, AIR 1966 Cal. 363, the Calcutta High Court in connection with article 176 regarding the Governor's Address observed:

If a Legislature meets and transacts legislative business without the preliminary address by the Governor, when required under article 176 its proceedings are illegal and invalid and may be questioned in a Court of Law.

As article 87 makes it clear, the Address is to be to both Houses of Parliament assembled together. In other words, it means that if at the time of commencement of the first session of the year, the Lok Sabha has been dissolved and the Rajya Sabha has to meet, then the Rajya Sabha can have its session without the President's Address. During the dissolution of the Lok Sabha in 1977 and 1991, the Rajya Sabha had its sessions on 1 February 1977 and 3 June 1991, respectively without the President's Address.

### **Date and time for the Address**

A communication regarding commencement of a session is received from the Ministry of Parliamentary Affairs. When the President has to address both Houses of Parliament assembled together, the Ministry also informs about the date and time at which the President will address. However, the information regarding the Address is not given in the summons. Members are informed about the date, time and the venue of the President's Address through a paragraph in a Bulletin.

In the case of the first session after each general election to the Lok Sabha, the President addresses both Houses of Parliament assembled together after the members of the Lok Sabha have made and subscribed the oath or affirmation and the Speaker has been elected by the Lok Sabha. The President addressed both Houses of Parliament assembled together twice in the years 1957, 1962, 1989, 1991, 1996 and in 2009 when general elections also took place after the first session of the year had been held.

In the case of the first session each year, the President's Address takes place at the time and date notified for the commencement of the session of both the Houses of Parliament. Half-an-hour after the conclusion of the Address, the Houses assemble separately in their respective Chambers for the transaction of formal business.

However, in 2004, when the House assembled for the first time in the year on 30 January 2004, it was not treated as the first session of the year but as Part II of the 200th session of Rajya Sabha which commenced on 2 December 2003. Therefore, the session did not commence with the Address by the President. The President addressed both Houses of Parliament assembled together on 7 June 2004 in the 201<sup>st</sup> Session after the general elections to the Fourteenth Lok Sabha.

The President's Address generally takes place at 11.00 a.m. on the date fixed for the purpose. However, on 16 May 1952, the President's Address was fixed at 10.45 a.m. On 11 February 1953 at 2.00 p.m., on 15 February 1954 at 1.30 p.m., in 1957 (13 May 1957) at 10.45 a.m. and in 1962 (18 April 1962), it was fixed at 9.30 a.m.

### **Ceremonies connected with the Address**

Certain ceremonies are observed in connection with the President's Address. Members assemble in the Central Hall of Parliament sufficiently before the arrival of the President for the Address. Except for the rows reserved for Ministers, Deputy Chairman/Deputy Speaker and Leaders of Opposition parties/groups in both Houses, members occupy other seats which are not specifically allotted or earmarked.

The President arrives at Gate No.5, Parliament House (North-West portico) attended by his Secretary and Military Secretary and escorted by mounted bodyguards. The President's Bodyguard presents the "National Salute" and thereafter, the President is received at the Gate by the Chairman, Rajya Sabha, the Speaker, Lok Sabha, the Prime Minister, the Minister of Parliamentary Affairs and the Secretaries-General of both the Houses. The President is then conducted to the Central Hall in procession. As soon as the Presidential procession enters the Central Hall, the Marshal of the Lok Sabha announces the arrival of the President and the trumpeteers give a fanfare till the President arrives at the dais. Members rise in their places and remain standing until the President has taken his seat.

On reaching the floor of the Central Hall in front of the dais the procession bifurcates: the President and the Presiding Officers move towards their seats on the dais—the Chairman, Rajya Sabha, to the right and the Speaker, Lok Sabha, to the left of the the President who occupies the middle seat; the Prime Minister and the Minister of Parliamentary Affairs occupy the seats facing dais; the Secretary-General, Rajya Sabha, Secretary to the President and two ADCs move towards the chairs placed in the pit of the Central Hall on the right hand side of the dais and the Secretary-General, Lok Sabha, Military Secretary and two ADCs move towards the chairs at the left hand side of the dais. Two ADCs stand behind the President's Chair on the dais. Immediately thereafter, the National Anthem is played by the band of the Rashtrapati Bhawan which is positioned in one of the Lobbies of the Central Hall. Thereafter, as the President sits down, the Presiding Officers and members and visitors in the galleries resume their seats. The President then reads the Address in Hindi or English. The other version of the Address in English or Hindi, as the case may be is generally read out by the Vice-President.

In 1970, the President delivered the Address in English, and the Hindi version thereof was read by the Secretary to the President, at the conclusion of each paragraph by the President. When the Secretary, Rajya Sabha was about to lay a copy of the President's Address on the Table of the House that year, points of order were raised objecting to

the Secretary to the President reading the Hindi version of the Address. The Chairman, ruling out the points of order, observed that the proceedings of the House relating to the matter would be placed before the President.<sup>3</sup> From the year 2004 onwards, however, the practice has been that the Vice-President of India reads out only the first and last para, either in English or Hindi, as the case may be, of the other version of the President's Address.

After the conclusion of the Address, there is roll of drums followed by the National Anthem. The President thereafter leaves the Central Hall in a procession which is in the same order as at the time of his arrival. Members rise and remain standing till the procession leaves the Central Hall. On reaching the Gate, the President takes leave of the Presiding Officers, the Prime Minister, the Minister of Parliamentary Affairs and the Secretaries-General of both Houses. The President's Bodyguard presents the National Salute. The President then returns to the Rashtrapati Bhawan.

The entire ceremony, as also the delivery of the Address in both the versions, takes about an hour or sometimes more. The ceremony and the Address were televised live through the Doordarshan for the first time on 20 December 1989.

### **Significance of the occasion**

The President's Address to both Houses of Parliament assembled together is a solemn and formal act under the Constitution. Utmost dignity and decorum befitting the occasion are required to be maintained. It is, therefore, expected of a member not to do anything by words or action which would mar the solemnity or dignity of the occasion. Members are also requested through a Bulletin not to leave the Central Hall during the Address.

It is worthwhile to refer to the observations made by the Committee appointed by the Lok Sabha on the conduct of certain members during the President's Address:

It would be seen that the provisions of article 87 are mandatory in so far as the President has to address both Houses of Parliament assembled together and inform Parliament of the causes of its summons. It is a constitutional obligation for the President and he delivers his address in his capacity as the Head of the State. The President's Address is a statement of the Government policy of which, as the constitutional Head, he is the mouthpiece. It would be clear that where the Head of the State viz., the President, acts in exercise of a constitutional provision and requires the attendance of members of both the Houses

of Parliament to hear his Address, solemnity and dignity are of utmost importance. The President represents not only the executive authority, he is in a sense a symbol of the Constitution. It is noteworthy that following the practice in the Parliament of U.K. in so far as it is practicable under our conditions, the occasion is treated as a solemn one... This solemn occasion should, therefore, be marked by dignity and decorum.

It is important, from the point of view of showing proper respect to the Constitution, that every member should maintain utmost dignity and decorum. It is as much a constitutional obligation on the part of the members to listen to the President's Address with decorum and dignity as it is on the part of the President to address Parliament. Any action on the part of a member which mars the occasion of the President's Address or creates disturbance is thus unbecoming of him as a Member of Parliament.

Further, according to article 79, Parliament consists of the President and the two Houses. A member must show due respect to the President while he is discharging his duties under article 87, in order to uphold the dignity of Parliament itself.<sup>4</sup>

### **Incidents of disturbances during the Address**

The House may deal with the member creating disturbance on the occasion in the manner it deems fit. Sometimes, the House has condemned such an incident or discussed a motion for disapproval of the conduct of the erring members.

On 18 February 1963, at the commencement of the Address, a member of the Rajya Sabha was involved in interrupting the proceedings. Next day the matter was discussed in the Rajya Sabha. The House condemned the incident and expressed regret. At the conclusion of the debate the Chairman observed:

I agree with the views expressed by all the sections of the House that the conduct of the member of this House, who interrupted the President's Address yesterday and walked out, is reprehensible and unbecoming of a Member of Parliament. The President was performing a function enjoined on him under the Constitution and it should be remembered that the President himself is part of Parliament. He is entitled to the highest respect and any member who deviates from decorum and dignity deserves to be chastised. I shall write to the President conveying to him the deep regret of the House on this most regrettable incident.<sup>5</sup>

Next day, the Chairman sent a letter to the President conveying him "the deep regret of the Rajya Sabha on the most regrettable incident which took place yesterday at the commencement of your Address to

both Houses of Parliament assembled together in which one of the members of the Rajya Sabha behaved in a manner which was reprehensible and unbecoming of Member of Parliament.”<sup>6</sup> On 20 February 1963, the Chairman read out to the House a letter received from the President appreciating the sentiments of the Rajya Sabha.<sup>7</sup>

On 23 March 1971, during the President's Address, three members of the Rajya Sabha created obstruction and showed disrespect to the President. At the sitting of the Rajya Sabha held on 7 April 1971, the following motion was moved to disapprove the conduct of those members:

That this House strongly disapproves of the conduct of Shri Raj Narain, Shri Nageshwar Prasad Shahi and Shri Sitaram Singh who created obstruction and showed disrespect to the President on the solemn occasion of his Address to both the Houses of Parliament assembled together under article 87 of the Constitution of India on 23.3.1971 and condemns their undesirable, undignified and unbecoming behaviour.<sup>8</sup>

The House discussed the matter at length but as more members wanted to participate, the Minister of Parliamentary Affairs moved a motion: “That the discussion on the motion be postponed to the next session,” which was adopted.<sup>9</sup> The motion, however, was not taken up for further discussion in the next or any subsequent sessions.

In the following cases, however, the House did not take any note of the disturbances during the President's Address:

On 20 December 1989, during the Address, as soon as the President read out the relevant paragraph on Mandal Commission, a member of the Rajya Sabha started shouting about the non-implementation of the assurances regarding Mandal Commission.<sup>10</sup>

On 12 March 1990, during the Address, a member of the Rajya Sabha started making a parallel speech in protest against the non-implementation of the Mandal Commission Report...he chose to walk out.<sup>11</sup>

On 21 February 1991, during the Address, a member of the Rajya Sabha stood up and protested against the absence of any reference in it to the Mandal Commission Report. He then walked out.<sup>12</sup>

On 11 July 1991, during the Address, a member of the Rajya Sabha caused interruption.<sup>13</sup>

## Contents of the Address

The President's Address is the statement of policy of the Government and as such is drafted by the Government. The Address consists of several

paragraphs prepared on the basis of material supplied by different Ministries and Departments of the Government. Few months prior to the Address, the Prime Minister's Office requests all Secretaries to the Government of India to supply material on matters in respect of their Ministries/Departments for incorporation in the Address.<sup>14</sup> Therefore, it is not the President but the Government which is responsible for the contents of the Address.

The President's Address covers a large field rather briefly. The President's Address...represents the policy of Government...a repetition of Government's policy. It may not be a complete repetition of everything that the Government does; naturally it gives or tries to give a broad survey of the foreign and domestic fields.<sup>15</sup>

It contains a review of the activities and achievements of the Government during the previous year, policy with regard to important internal and international problems and Government's programme of business. But it does not cover the entire probable legislative business to be transacted during all the sessions of the year. Therefore, after the Address, a separate Bulletin is issued informing members of the probable Government's legislative and other business expected to be taken up during the session.

### **Separate sitting and laying a copy of the Address**

When members of the two Houses of Parliament assemble together to hear the President's Address, it does not constitute a sitting of the Rajya Sabha (or the Lok Sabha) since a sitting of the Rajya Sabha is duly constituted when it is presided over by the Chairman or a member competent to preside over a sitting of the Rajya Sabha under the Constitution or the Rules of Procedure and Conduct of Business in the Rajya Sabha.<sup>16</sup> It is also not a joint sitting of the two Houses since it has to be presided over by the Speaker of the Lok Sabha or in his absence by such person as may be determined by the Rules of Procedure made under clause (3) of article 118 of the Constitution. Moreover, a joint sitting of both Houses is contemplated only in certain cases and the assembly of members under article 87 is not one of those cases.<sup>17</sup> Sometimes, however, the President's Address has used the expression "Joint Session" to describe such assemblage of members of both Houses together, as may be seen from the following instances:

The President's Address delivered on 18 March 1967 and 17 February 1969, used the expression "Joint Session of the two Houses of Parliament". In 1971 and 1977, the Address contained the expression "Joint Session of the Fifth Parliament" and "Joint Session of the Sixth Parliament" respectively in the opening sentence. In 1980, the expression used was "First Joint Session of the Seventh Parliament." In 1985, the Address used the expression "First Session of the Eighth

Parliament” and in 1991 again the expression used was “Joint Session of Parliament.”

The President's Address of 1971, contained the following opening sentence:

It gives me great pleasure to address this Joint Session of the Fifth Parliament of our Republic and summon you to new endeavours. A member raised a point with reference to the opening sentence contending that the joint session was not of the Fifth Parliament; it was the Fifth Lok Sabha. Rajya Sabha was a permanent body and, therefore, how can it be said, he asked, that it was the Joint Session of the Fifth Parliament.<sup>18</sup>

Half-an-hour after the conclusion of the Address, both Houses meet separately in their respective Chambers. Members are intimated about the separate sitting through a paragraph in the Bulletin as well as the Provisional Calendar of Sittings of the session. A copy each of the Hindi and English versions of the Address duly authenticated by the President, which is received in the Secretariat from the Military Secretary to the President, on the date of the Address, is laid on the Table of the House at that sitting by the Secretary-General. Thus, the House formally comes into possession of the Address.

Copies of both the versions of the Address are distributed to members in the Lobby or through the Publications Counter only after the Address is formally laid on the Table. Members are informed about this arrangement through a Bulletin. After transacting certain formal business such as obituary references, etc., laying of essential papers like Ordinances under article 123 or Proclamations under article 356, introduction of Bills and the like, the House is adjourned for the day.

### **Procedure for correction of errors, if any, in the Address**

Sometimes typographical errors may creep in the Address. On the attention being drawn thereto, necessary corrigendum/erratum is issued by the Secretariat for the information of members.

In 1959, the Department of Parliamentary Affairs pointed out a typographical error in the Address delivered on 9 February 1959, that instead of the figure ‘59’ Bills, the figure ‘49’ was printed in paragraph thirty-five of the Address and desired that members be informed accordingly. Although by the time the error was detected, and the Motion of Thanks was adopted on 17 February 1959, an erratum was issued on 25 February 1959.<sup>19</sup>

In 1994, the President's Secretariat pointed out in a letter that the following sentence was missing in paragraph 44 of the Hindi version of the President's Address:

इस संदर्भ में मैं आश्चर्य हूँ कि पिछले शनिवार को "अग्नि" के प्रक्षेपण में जिस उच्च तकनीकी क्षमता का प्रदर्शन किया गया है उसकी प्रशंसा करने में माननीय सदस्यगण मेरा साथ देंगे।

[In this context, I am sure hon'ble members will join me in applauding the successful demonstration of high technology in the launch of "Agni" last Saturday.]

It was clarified that the Hindi version when delivered by the President did contain that sentence. A corrigendum was, therefore, issued by the Secretariat before the discussion on the Motion of Thanks commenced in the House.<sup>20</sup>

In the case of any other inaccuracies in the Address, the procedure followed is that the President sends a message to the House before the error is rectified and incorporated in the proceedings of the House.

In 1982, the Secretary, Department of Parliamentary Affairs pointed out two inaccuracies which had crept in paragraph 17 of the President's Address and requested to issue the following errata through a Bulletin:

- (1) On page 5, in para. 17, line 7, *for '1981' read '1980'*
- (2) On page 5, para. 17, line 12, after the words 'under-sea link' *add the words 'with Malaysia, microwave link.'*

The Chairman took a view that 'it is for the President to issue his own corrigendum which will be placed on the Table of the House also.' The Department of Parliamentary Affairs was, therefore, informed to bring to the notice of the President the particular errors in his Address and on his approval of the corrections being made he was requested to send a message to the Rajya Sabha, either addressed direct to the Chairman or conveyed to him through a Minister so that the same could be announced in the House and laid on the Table and thereafter, it could be incorporated in the proceedings and official records of the Rajya Sabha. However, no further communication was received from the Government.<sup>21</sup>

### Discussion on the Address by Motion of Thanks

The Constitution requires that provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in the President's Address.<sup>22</sup> Under article 87(2), as originally enacted, the provision was required to be made

by the rules 'for the precedence of such discussion over other business of the House.' By the Constitution (First Amendment) Act, 1951, these words were omitted. In this connection, the Prime Minister observed:

The difficulty is that after the President has delivered his Address, it is right that the members should have two or three days to consider it and to propose Motions and not immediately to have to deal with it. Otherwise, two or three days may well be wasted and we will be doing nothing. So, the idea is not to postpone consideration of that Address, but not to waste those two or three days, fix a date for the consideration of the President's Address three or four days later and come well prepared with your Motions and arguments. It would be absurd, of course, to try to discuss the President's Address long after it is delivered. To get over the difficulty of waste of time, it was done...certainly it should be soon after it was delivered, though not immediately after.<sup>23</sup>

Thus, the discussion on the Address takes place a few days after it is delivered and in the intervening period other business is transacted. However, in 1957 (first Address), 1962 (first Address), 1971, 1972 and 1976 the discussion started the next day after the Address. In 1978, the President addressed on 20 February. According to the Bulletin circulated to members, the discussion was to commence on the next day itself, *i.e.*, 21 February 1978. Some members raised an objection. At the suggestion of the Chairman, the matter was settled in his Chamber and the discussion commenced on 22 February 1978,<sup>24</sup> *i.e.*, two days after the Address.

In 1996 after the general elections, the President addressed members of both Houses assembled together on 24 May, but the discussion could not be held as the Government headed by Shri Atal Bihari Vajpayee had in the meantime fallen after remaining in office for 13 days.

In 2000, the President addressed members of both Houses assembled together on 23 February. However, the discussion on the Address could not take place in the first half of the Budget Session due to a series of adjournments over the circular of the Government of Gujarat regarding removal of the ban imposed on the participation of its employees in the activities of R.S.S. and the action of the Governor of Bihar in the formation of Government in that State. The Motion of Thanks on the President's Address was moved on 18 April 2000, in the second part of the Budget Session and the discussion also commenced on that day.<sup>25</sup>

The discussion on the Address is initiated by a Motion of Thanks moved by a member and seconded by another member.<sup>26</sup> Members who

have to move and second the Motion are from the ruling party. The notice of such a Motion is received through the Ministry of Parliamentary Affairs. The Motion of Thanks is then published in the bulletin and the list of business.

On an occasion (which was the first of its kind), the Motion of Thanks to the President's Address delivered on 13 February 1995, was admitted in the names of two members, one as a mover and another as a seconder<sup>27</sup> and the provisional dates for discussion fixed were 14, 15 March and 20 April 1995.<sup>28</sup> The House went into budget recess from 1 to 23 April 1995. Meanwhile the Ministry of Parliamentary Affairs sent another Motion, in the name of another member as mover and the earlier member as seconder. It was duly notified, superseding the earlier Motion. On 25 April 1995 (*i.e.*, more than two months after the Address), when the Motion of Thanks was taken up, a member raised a point of order about the substitution of the new name of the mover for the one notified initially. The Vice-Chairman disallowed the point of order stating that it was already considered by the Deputy Chairman before whom it was raised in her Chamber.<sup>29</sup>

The form of the Motion is:

That the members of the Rajya Sabha<sup>30</sup> assembled in this session are deeply grateful to the President<sup>31</sup> for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on...(date).

As regards the form, a point of order was raised objecting to the use of the word 'grateful' in the Motion. It was contended that when rule 15 provided for Motion of Thanks, the Motion as worded was unconstitutional. The Deputy Chairman rejecting the point of order observed that according to the Oxford Dictionary, 'grateful' meant thankful and moreover, the same wording of the Motion has been used for a number of years.<sup>32</sup>

The Chairman allots time for the discussion of the Address under article 87(2) in consultation with the Leader of the House.<sup>33</sup> Although article 86(1) does not contain any provision for allotment of time for discussion of the matters referred to therein, nonetheless a rule has been made enabling the Chairman to allot time for the discussion of such Address also.<sup>34</sup>

About a week before the Address, a communication is received from the Ministry of Parliamentary Affairs indicating the proposed dates for the discussion on the Address. These dates are notified in the Bulletin for the information of members, which may, however, undergo change sometimes, if the House so desires. For instance, before the discussion on the Motion

of Thanks commenced on 24 March 1971, the Chairman announced the recommendation of the Business Advisory Committee that after the discussion on that day, it should be resumed after 31 March 1971, on days to be appointed by him.<sup>35</sup> It was accordingly, resumed on 1 April 1971. On another occasion, the discussion on the Address was to commence on 21 February 1974, as originally notified. However, on 19 February 1974, the Minister of State in the Department of Parliamentary Affairs suggested that in view of the demand made that day for discussion on doctors' strike, the discussion on the Address be postponed to 25 February 1974. The House agreed.<sup>36</sup>

The discussion commences with the member making the speech on the Motion and another member seconding the Motion speaks next.

On one occasion, the member seconding the Motion did not make the speech but merely stated that he had seconded the Motion; he made a speech after amendments to the Motion were moved.<sup>37</sup>

Generally, three or four days are allotted for the discussion, although eventually the discussion may get extended to more time. On the days allotted for the discussion, the House is at liberty to discuss the matters referred to in the Address.<sup>38</sup>

The scope of the discussion on the Motion of Thanks is very wide and members are at liberty to speak on any matter of national or international importance. The general limitations, however, that while speaking<sup>39</sup> a member cannot cast reflections on persons in high authority<sup>40</sup> or on the members of the other House<sup>41</sup> or bring in the name of the President<sup>42</sup> or refer to matters which are *sub judice*<sup>43</sup> or pending consideration of a Parliamentary Committee<sup>44</sup> apply to the discussion on the Motion of Thanks also.

### Amendments to the Motion of Thanks

Notices of amendments to the Motion of Thanks can be given only after the President has delivered the Address. Lists of amendments are, however, circulated to members only after the notice of Motion of Thanks is received and published in the Bulletin. As a matter of convention, amendments to the Motion of Thanks are given only by members belonging to a party in opposition to Government. In 1991, however, some members belonging to the ruling party also gave notices of and moved the amendments to the Motion of Thanks.<sup>45</sup>

In 2000, the President addressed members of both Houses assembled together on 23 February. The Motion of Thanks on the President's Address was, however, taken up on 18 April 2000 (second part of the session).

Meanwhile, some of the members who had given notices of amendments retired from the membership of Rajya Sabha before 18 April 2000. Consequently, a revised list of amendments was issued by the Secretariat from which the amendments in the name of the retired members were deleted.<sup>46</sup>

Amendments are generally tabled with reference to matters referred to in the Address as well as matters which, in the opinion of the movers of amendments, the Address has failed to mention.

There was a lengthy discussion in the Rajya Sabha regarding the scope of amendments to the Motion of Thanks in view of the use of the expression “matters referred to in the Address”, in article 87(2) and rules 13, 14 and 19. After some discussion had taken place, the Chairman ruled that he would allow those amendments to the Motion of Thanks which referred to the matters mentioned in the Address. He observed that while he would not take a narrow legalistic view of the matter and wanted to give as liberal an interpretation as possible, he could not ignore the provisions of the Constitution and the rules framed thereunder.<sup>47</sup>

This matter was again raised after a few years in the context of disallowance of an amendment to the Motion of Thanks given by a member. The Chairman reiterated his earlier ruling and observed that matters which were not directly discussed in the President’s Address were not to be given in the form of amendments but members might refer to them in their speeches. But of course, he suggested, there was a way by which this could be circumvented saying “It is regretted that there has been no mention about this, that and the other,” in the Address.

When the Chairman’s attention was drawn to an amendment regarding bilingual State of Bombay, permitted to be moved to the Motion of Thanks in 1956, even while the Address did not mention it, the Chairman observed that though there was no specific mention of that matter in the Address, the question of reorganisation of States was mentioned in the Address and had there been no such reference to that question, he would have disallowed the amendment.<sup>48</sup>

Amendments may be moved to the Motion of Thanks in such form as may be considered appropriate by the Chairman.<sup>49</sup> However, the general form of the amendment is as follows:

That at the end of the Motion, the following be added, namely:

‘but regret that the Address does not mention/fails to mention/  
does not take note of ...etc.’

On an occasion, however an amendment was also given in the form:

“and the House notes with satisfaction.” etc..<sup>50</sup>

The notices of amendments given by members are scrutinised in the Secretariat and those which are *prima facie* in order are circulated to members. Amendments which are inconsistent with the provisions of the Constitution or refer discourteously to a friendly foreign government or Head of State or cast reflection on the conduct of persons in high authority such as a Chief Minister or Prime Minister or a Speaker of a State Assembly or are of frivolous nature or lacking factual basis or vague or are not within the scope of or relevant to the Address, are not admitted or circulated or may be circulated only after removing the objectionable references. For instance, an amendment which referred to the role of the Chief Election Commissioner was circulated after omitting the reference made to him. The members objected to the omission and did not move the amendment.<sup>51</sup>

The discussion on the Address is initiated by the proposer of the Motion, and followed by its seconder. The members who have given notices of amendments as per the list of amendments are then asked to move their amendments. Even at that stage, the Chairman has the discretion to rule any amendment out of order though it has been already circulated to the members.<sup>52</sup> The Chairman may permit amendments to be moved only after deletion of the objectionable parts thereof. Amendments are not permitted to be moved after the discussion has started. Both the Motion and the amendments moved thereto, are discussed together. The amendments are not discussed separately. The question of giving separate time to members for discussing their amendments. etc., therefore, does not arise.<sup>53</sup>

The Chairman may, if he thinks fit, prescribe a time limit for speeches.<sup>54</sup> The time allotted by the House for discussion on the Motion of Thanks is apportioned amongst various parties and groups in proportion to their strength in the House, as per the established practice.

The discussion on the Address is generally not interrupted during the course of the sitting of the House by any other business except of a formal character.<sup>55</sup> There had, however, been occasions when the discussion on the Address was interrupted in favour of a calling attention<sup>56</sup> or a short duration discussion.<sup>57</sup> The discussion on the Address may also be postponed in favour of a Government Bill<sup>58</sup> or other Government Business.<sup>59</sup>

While the discussion on the Address is in progress, the House expects that a Cabinet/senior Minister should always be present. The absence of

such a Minister has come for observations of the Chair on quite a few occasions:

On 1 May 1962, when the House reassembled after the lunch-break to further discuss the Motion of Thanks, a point was raised about the absence of any Minister. The House was adjourned for ten minutes.<sup>60</sup> Next day the Chairman observed:

For the first time in the last ten years the House had to be adjourned for ten minutes. When grave matters were under discussion here, there was not a single representative of the Government. I hope that such a situation will not occur again and Government will be careful about its responsibility to the House.<sup>61</sup>

On another occasion on the absence of a senior Minister during the discussion, the Chairman observed, "...it would be very useful if senior Ministers are present in the House when important things are being discussed." Later, the Deputy Chairman also observed, "I would again bring it to bear on the Government that some senior Cabinet rank Minister should be here." After sometime, the Prime Minister came and expressing regret observed, "I think that one of us should remain present here."<sup>62</sup>

Again, when a similar point about the absence of a Minister during the discussion on the President's Address was raised, the Deputy Chairman adjourned the House for fifteen minutes and expressed regret on the discourtesy and disrespect shown to the House by the Cabinet Ministers.<sup>63</sup>

On 21 March 1967, the Deputy Chairman adjourned the House for ten minutes as there was no Minister in the House during the discussion on the Motion of Thanks.<sup>64</sup>

On a similar occasion later, the Chairman felt strongly about such absence and observed that the feelings of the House could be brought to the attention of the Cabinet Ministers.<sup>65</sup>

On another occasion, when a member wanted ruling from the Chair about the absence of any Cabinet Minister, the Vice-Chairman observed, "Some Cabinet Minister should also be present here as a matter of etiquette and courtesy."<sup>66</sup>

At the end of discussion, the Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, has, on behalf of the Government, a general right of explaining the position of the Government.<sup>67</sup> The marginal heading of rule 18 indicates that Government has a right of reply (and not the mover of the Motion of Thanks). On one

occasion, however, the Chairman stated that the mover had a right of reply, although, thereafter the mover of the Motion merely stated that after the Prime Minister's speech, he (*i.e.*, the mover) should not take the time of the House.<sup>68</sup> Notwithstanding this, the established rule and practice have all along been that the Prime Minister or any other Minister replies to the discussion on the Motion of Thanks as will be seen from the following instances:

In 1952, 1953, 1954, 1957 and 1959, the Prime Minister intervened and the Leader of the House replied to the debates; in 1955, 1956 and 1958, the Leader of the House replied to the debates; in 1961, the Prime Minister intervened while the Minister of Law replied to the debate in the absence of the Leader of the House who was unwell; in 1964, the Minister of Home Affairs replied to the debate in the absence of the Leader of the House who was unwell; in 1960, 1962, 1963, 1965 and in subsequent years, the Prime Minister replied to the debates on the Motion of Thanks. In 1999 and 2000, the Leader of the House replied to the debates on the Motion of Thanks as the Prime Minister was unwell.

After the reply to the discussion, amendments that have been moved are disposed of. They are either withdrawn by leave of the House or put to the vote of the House. If a member who has already moved the amendment but is not present at the time of voting, the fate of his amendment is decided by the House in his absence. If the amendments are negatived, the Motion of Thanks as originally moved is put to the House and adopted by division, if necessary. However, in 1991, the Motion of Thanks was discussed on 27 February 1991 and 5 March 1991. The discussion remained inconclusive and the Motion of Thanks was not put to the House. This was due to the fact that the Prime Minister, Shri Chandra Shekhar, announced the resignation of his Government in the Lok Sabha on 6 March 1991.

If an amendment or amendments is or are carried, the Motion of Thanks as amended is put to the House and adopted.

In 1980, upon an amendment being carried, the Motion of Thanks was adopted in the following form:

That the members of the Rajya Sabha assembled in this session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on 23 January 1980, but regret that the Address does not take notice of the disturbing attempts to engineer defections on a large scale in the Assemblies in the States under the non-Congress(I) Governments and even to arbitrarily dissolve such Assemblies in flagrant violation of all

federal principles, nor does it give any assurance that the Government will not in any manner encourage, directly or indirectly, such attempts at subverting the Constitution and flouting democratic norms and standards.<sup>69</sup>

In 1989, six amendments to the Motion of Thanks were carried and the Motion of Thanks, as amended, was adopted in the following form:

That the members of the Rajya Sabha assembled in this session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 20 December 1989, but regret that the Address—

does not mention about the burning Ram Janmabhoomi-Babri Masjid dispute and the measures proposed by the Government to resolve the issue;

does not make any mention about the steps to be taken to avert destabilising State Governments;

fails to state that the Government will amend the Constitution to ensure the 'Right to Work' as a Fundamental Right;

does not mention about Indo-Sri Lanka Accord and also fails to specify Government's stand on the question of life and security of the Tamils and the devolution of power to the North-Eastern Provinces;

fails to define Government's stand on Anandpur Saheb Resolution which compromises the unity and integrity of the country;

does not contain any mention whatsoever of the abject surrender of the Government to the demands of anti-national secessionist forces in Jammu and Kashmir by releasing the terrorists in December 1989, thereby putting the entire nation and its dignity to ignominious shame.<sup>70</sup>

In 2001, upon an amendment being carried, the Motion of Thanks was adopted in the following form:

That the members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on February 19 2001, but regret that the Address does not contain the Government's decision to sell out BALCO, a cent per cent owned Central PSU having a track record of continuous profit earning and having a huge cash reserve, to a private sector company whose track record of managing and running an Aluminium manufacturing company is not known and is of doubtful nature.<sup>71</sup>

In 2015, upon an amendment being carried, the Motion of Thanks was adopted in the following form:

That the members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on February 23, 2015, but regret that there is no mention in the Address about the failure of the Government to curb the high-level corruption and to bring back black money<sup>72</sup>.

### Conveying the Motion of Thanks to the President

After the Motion of Thanks is adopted, it is conveyed to the President directly by the Chairman by a letter.

In 1952, the first Motion of Thanks was conveyed to the President by a letter. A suggestion was received that the Motion of Thanks should be conveyed to the President in person by the Secretaries of the respective Houses. Similarly, the President's reply should also be sent by an officer of the President's Secretariat. The detailed procedure was approved by the President in consultation with the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. It was decided to give effect to the new procedure from subsequent years. However, since the President was out of Delhi on those occasions in 1953, 1954 and 1955, the proposal could not be implemented. In 1956, therefore, it was decided that the existing procedure of conveying the Motion by a letter might continue.<sup>73</sup>

The letter is usually in the following form:

Dear Mr. President,

I have great pleasure in conveying to you the Motion of Thanks which the Rajya Sabha adopted at its sitting held on (date), on the Address delivered by you to both the Houses of Parliament assembled together on (date).

The terms of the Motion are as follows:—

[Text of the Motion as adopted]

Yours sincerely,  
Chairman

While conveying the Motion of Thanks in an amended form in 1989, the beginning portion of the letter was modified as "I have to convey to you," etc.<sup>74</sup>

In reply to the Chairman's letter, the President acknowledges the receipt of the Motion of Thanks that he has "received, the expression of thanks by the members of the Rajya Sabha for the Address" which he delivered to both Houses of Parliament assembled together. However, in 1980, 1989 and 2001, when the Motions of Thanks as amended were conveyed to the President, he sent messages thanking the Chairman for his demi-official letters conveying the Motions of Thanks.<sup>75</sup> The message of the President is read out to the House by the Chairman/Deputy Chairman/Vice-Chairman presiding at that time.<sup>76</sup> However, if the message from the President is received at a time when the House is not in session, then the same is notified in the Bulletin for information of members.<sup>77</sup>

### **Messages of the President and communication to the House**

The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent has with all convenient despatch to consider any matter required by the message to be taken into consideration.<sup>78</sup> Where such a message is received by the Chairman, he has to read out the message to the House and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Chairman has the power to suspend or vary the rules to such extent as may be necessary.<sup>79</sup> However, the President has not sent any message under this provision since the commencement of the Constitution.

The President may also send a message notifying his intention to summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on a Bill other than a Money Bill.<sup>80</sup> As contemplated in article 108(1), messages were received on 19 April 1961, 10 May 1978, and 22 March 2002 in respect of the Dowry Prohibition Bill, 1959, the Banking Services Commission (Repeal) Bill, 1977 and the Prevention of Terrorism Bill, 2002 respectively on which the two Houses had finally disagreed. The message in respect of the Dowry Prohibition Bill was received by the House, all members standing.<sup>81</sup> The Chairman also announced the dates fixed for the first two joint sittings. The date for a joint sitting on the Prevention of Terrorism Bill, 2002 was, however, notified in Rajya Sabha Parliamentary Bulletin Part-II after receiving intimation from the Minister of Parliamentary Affairs.<sup>82</sup>

The President may, as soon as possible, after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of

introducing any such amendments as he may recommend in his message and when a Bill is so returned, the Houses shall reconsider the Bill accordingly.<sup>83</sup> On 7 January 1990, the President sent a message to the Rajya Sabha returning the Indian Post Office (Amendment) Bill, 1986.<sup>84</sup> Similarly, on 30 May 2006, the President sent a message to the Rajya Sabha returning the Parliament (Prevention of Disqualification) Amendment Bill, 2006.<sup>85</sup>

### Communication between the President and Rajya Sabha

Communications from the President to the House are made to the Chairman by written message signed by the President or if the President is absent from the place of the meeting of the House, his message is conveyed to the Chairman through a Minister. The messages received from the President are read out by the Chairman to the House.<sup>86</sup>

Communications from the Rajya Sabha to the President are made—

- (1) by formal address, after motion made and carried in the House; and
- (2) through the Chairman.<sup>87</sup>

So far, no other communication save the one conveying the Motion of Thanks on the President's Address has been sent from the Rajya Sabha to the President.

#### NOTES AND REFERENCES

1. Art. 87(1).
2. Parl. Deb. (II), 2.6.1951, c. 9960.
3. R.S. Deb., 20.2.1970, c. 116.
4. Rpt., 8.3.1963, presented to Lok Sabha on 12.3.1963, pp. 5-6.
5. R.S. Deb., 19.2.1963, c. 91.
6. F. No. 2/2/63-L and Bn.(I), 19.2.1963.
7. R.S. Deb., 20.2.1963, c. 232-33.
8. *Ibid.*, 7.4.1971, c. 126.
9. *Ibid.*, c. 209.
10. *Hindustan Times*, 21.12.1989.
11. *Times of India*, 13.3.1990.
12. *Ibid.*, 22.2.1991.
13. *Hindustan Times*, 12.9.1991.
14. F. Nos. 2/1/74-L and 2/1/90-L.
15. C.S. Deb., 16.2.1953, c. 361.
16. Art. 118 and R. 10.
17. Art. 118(3) and (4), R. 5 of the Houses of Parliament (Joint Sittings and Communications) Rules.
18. R.S. Deb., 25.3.1971, c. 51-52.
19. Cited in F. No. 2/1/82-L.
20. F. No. 2/1/94-L.

21. F. No. 2/1/82-L.
22. Art. 87(2); *and* R. 14-19.
23. Parl. Deb. (II), 2.6.1951, c. 9959.
24. R.S. Deb., 20.2.1978, c. 31-40.
25. Bn. (I), 18.4.2000.
26. R. 15. However, there was no Motion of Thanks moved on the Address delivered on 24.5.1996, in view of the change in Government. *See also* R.S. Deb., 16.7.1996, when a member made a special mention regarding the need to discuss that Address.
27. Bn. (II), 17.2.1995.
28. *Ibid.*, 21.2.1995.
29. *Ibid.*, 29.3.1995 *and* R.S. Deb., 25.4.1995.
30. Till 1954, the Motion of Thanks (1952, 1953 and 1954) referred to Council of States instead of Rajya Sabha which nomenclature was adopted in April 1954.
31. When the Vice-President discharging the functions of or acting as the President addresses, the wording of the Motion is suitably modified. For instance, *see* Motions of Thanks of 1964 and 1977.
32. R.S. Deb., 25.2.1974, c. 106-11.
33. R. 14.
34. R. 20.
35. R.S. Deb., 24.3.1971, c. 14.
36. *Ibid.*, 19.2.1974, c. 102-03 *and* 134.
37. *Ibid.*, 4.4.1977, c. 112 *and* 146-51.
38. R. 15.
39. R. 238.
40. R.S. Deb., 1.3.1984, c. 292-93.
41. *Ibid.*, 26.2.1979, c. 283 *and* 289; *and* 27.12.1989, c. 325.
42. *Ibid.*, 20.2.1961, c. 499-501.
43. *Ibid.*, 8.1.1976, c. 145-46.
44. *Ibid.*, 1.3.1988, c. 212.
45. *Ibid.*, 17.7.1991 (Amendment Nos. 52-97, 192-225 *and* 257), c. 226-37, 253-61 *and* 263-76.
46. F. No. RS. 2/1/(A)/2000-L.
47. C.S. Deb., 19.5.1952, c. 78-94.
48. R.S. Deb., 12.2.1959, c. 442-44.
49. R. 16.
50. R.S. Deb., 20.2.1963, c. 264-65.
51. *Ibid.*, 17.7.1991, c. 222-25, 261-62 *and* 280.
52. C.S. Deb., 19.5.1952, c. 103; 13.2.1953, c. 73; 17.2.1954, c. 229; R.S. Deb., 23.2.1955, c. 203; 19.3.1957, c. 69; 16.5.1957, c. 411; 12.2.1958, c. 250; 11.2.1959, c. 282; 10.2.1960, c. 294-304; 13.3.1962, c. 102; 20.2.1963, c. 262-64; *and* 12.2.1964, c. 283 *and* 308.
53. R.S. Deb., 2.3.1970, c. 197.
54. R. 19.
55. R. 17(1)(b).
56. R.S. Deb., 24.2.1970, c. 192, etc.; *and* 25.3.1971, c. 18 *et seq.*
57. *Ibid.*, 24.2.1970, c. 226.
58. R. 17(2); R.S. Deb., 25.3.1971, c. 44 *et seq.*; *and* 28.12.1989, c. 356, etc.
59. R.S. Deb., 25.3.1971, c. 95, etc.
60. *Ibid.*, 1.5.1962, c. 1295-97.
61. *Ibid.*, 2.5.1962, c. 1499-1500.
62. *Ibid.*, 3.3.1965, c. 1733, 1742 *and* 1782.
63. *Ibid.*, 22.2.1966, c. 929; *and* 24.2.1966, c. 1252.
64. *Ibid.*, 21.3.1967, c. 355.
65. *Ibid.*, 23.3.1967, c. 608-10.
66. *Ibid.*, 1.4.1971, c. 173-74; *and* 22.2.1979, c. 228.
67. R. 18.

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68. R.S. Deb., 30.1.1980, c. 344.
  69. *Ibid.*, c. 351-56.
  70. *Ibid.*, 29.12.1989, c. 363-64.
  71. *Ibid.*, 12.3.2001, c. 523.
  72. *Ibid.*, 3.3.2015, p. 452.
  73. F. Nos. 2/1/55-L and 2/1/56-L.
  74. F. No. 2/2/89-L.
  75. F. Nos. 2/1/80-L, 2/2/89-L, 2/1/2001-L and Bn. (I), 20.3.2001.
  76. R. 221.
  77. Bn. (II), 16.4.1977 and 22.1.1990.
  78. Art. 86(2).
  79. R. 21.
  80. Art. 108(1).
  81. R.S. Deb., 19.4.1961, c. 49; 10.5.1978, c. 173-74; and 22.3.2002, p. 235.
  82. Bn. (II), 22.3.2002.
  84. Art. 111, *Proviso*.
  85. Bn. (II), 10.1.1990.
  86. *Ibid.*, 31.5.2006.
  86. R. 221.
  87. R. 222.