



सत्यमेव जयते

## PARLIAMENT OF INDIA RAJYA SABHA

# COMMITTEE SYSTEM IN RAJYA SABHA





## **“BOOKLETS IN THIS SERIES”**

1. Information – At a Glance
2. Rajya Sabha – Its Contribution to Indian Polity
3. The Law Making Process
4. Committee System in Rajya Sabha
5. Parliamentary Privileges
6. Members – Do’s & Don’ts
7. Role of the Leader of the House, Leader of the Opposition and Whips
8. Executive – Its Accountability to Parliament
9. Information Management for Legislators
10. How to be an Effective Legislator



**PARLIAMENT OF INDIA  
RAJYA SABHA**

**COMMITTEE SYSTEM IN RAJYA SABHA**



**RAJYA SABHA SECRETARIAT  
NEW DELHI**

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## **PREFACE**

This booklet is part of the series of booklets brought out for the benefit of the newly elected Members of Rajya Sabha. It covers briefly different aspects of the Parliamentary Committee system in Rajya Sanha. For detailed information, original sources may be referred to.

It is intended to serve as a handy guide for ready reference. I hope the Members will find the booklet useful.

New Delhi  
July, 2020

**DESH DEEPAK VERMA**  
Secretary-General

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## INTRODUCTION

Parliamentary Committees play an important role in the parliamentary system. They aid and assist the legislature in its functioning and are devices used by Parliament for the purpose of salutary influence and exercise of oversight on the executive. The Committees are thus vital parliamentary instruments to ensure accountability of the executive. With manifold increase in the business transacted by Parliament, it becomes impossible for every matter to be thoroughly and systematically scrutinised and considered on the floor of the House within the limited time at its disposal. Thus, the need for Committees arose. The Committees are constituted to deal with specific items of business which need expert and detailed consideration. Due to the smaller composition of the Committees, these issues are considered better by the Committees than in the House. With Parliament not having to go into the minute details of the issues before Committees, it saves a lot of its time for discussion of important issues and matters of policy and broad principles of governance.

Rajya Sabha possesses a well organised system of Committees. Appointments, term of office, functions and procedure for conducting the business of these Committees (barring few) are regulated under the provisions of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) and the directions given by the Chairman, Rajya Sabha from time to time. The Committees may be classified as (i) *Ad-hoc* Committees and (ii) Standing Committees.



(i) ***Ad-hoc* Committees**

*Ad-hoc* Committees are appointed from time to time by the House or by the Chairman or by the Presiding Officers of both Houses jointly to enquire into specific matters. They are not named as such in the Rules of Procedure of the Rajya Sabha but come into being on a specific motion and become *functus officio* immediately after reporting to the House on matters assigned to them. *Ad-hoc* Committees are generally Select Committees and Joint Committees on Bills. The Select/ Joint Committees on Bills are constituted by the House(s) on specific motion moved by the Minister in-charge of the Bill or any member and adopted by the House to consider and report on Bills as referred to them from time to time. The procedures to be followed by such committees are laid down in the Rules of Procedure [Rules Applicable to Select Committees on Bills are given at Annexure A]. Some instances of such Select/ Joint Committees on Bills are Select Committee on the Lokpal and Lokayuktas Bill, 2011, Select Committee on the Insurance Laws (Amendment) Bill, 2008, Select Committee on the Repealing and Amending Bill, 2014, Select Committee on the Payment and Settlement Systems (Amendment) Bill, 2014, Select Committee on the Mines and Minerals (Development and Regulation) Amendment Bill, 2015, Select Committee on the Constitution (One Hundred and Twenty-Second Amendment) Bill, 2014, Select Committee on the Real Estate (Regulation and Development) Bill, 2013, Select Committee on the Coal Mines (Special Provisions) Bill, 2015, and Joint Committee on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015, etc.

*Ad-hoc* Committees are also constituted to enquire into specific subjects and report thereon. These Committees are constituted from time to time either by the House on motions moved and adopted or by the Chairman to enquire into and report on specific subjects. Examples of such Committees constituted in the Rajya Sabha are: the Committee constituted in 1962, to frame Draft Rules of Procedure for the Rajya Sabha under article 118(2) of the Constitution; the Committee appointed in 1976 to enquire into the conduct of a sitting member of the Rajya Sabha; the Committee of members of both the Houses constituted in 1983 to bring about reconciliation between Nirankaris and Akalis; the Joint Parliamentary Committees appointed in 1988 and 1992 to probe into the Bofors Gun Deal and Bank Securities Scam, respectively; the Committee constituted in 1995 by the Chairman on the demand made by the members in the House during Question Hour, to examine all aspects relating to procurement of railway wagons; the Committees constituted by the Chairman in 1996 each on the problems of cotton growers and functioning of Wakf Boards. Three other Committees constituted by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha in consultation with each other in 1993 for the purpose of advising on statues and portraits in the Parliament House, catering services and facilities for members also come under the category of *ad-hoc* Committees. Similarly, the Joint Parliamentary Committee on Maintenance of Heritage Character and Development of Parliament House Complex constituted on 15 December 2009 comes under this category.

## (ii) **Standing Committees**

Standing Committees, on the other hand, are of two categories—Standing Committees of the House and the Department-related Standing Committees.

Standing Committees of the House may be divided in terms of their functions under four broad heads:

1. Committees to Enquire—
  - (a) Committee on Petitions
  - (b) Committee of Privileges
  - (c) Committee on Ethics
2. Committees to scrutinise and control—
  - (a) Committee on Government Assurances
  - (b) Committee on Subordinate Legislation
  - (c) Committee on Papers Laid on the Table
3. Committees to Advise—
  - (a) Business Advisory Committee
  - (b) Committee on Rules
4. Housekeeping Committees—
  - (a) House Committee
  - (b) General Purposes Committee
  - (c) Committee on Provision of Computer Equipment to Members of Rajya Sabha
  - (d) Committee on Members of Parliament Local Area Development Scheme (MPLADS).

The functioning of all Standing Committees except the Committee on Provision of Computer Equipment to Members of Rajya Sabha and the Committee on MPLADS is governed by the Rules of Procedure and Conduct of Business in the Council of States.

In 1952, when the Rajya Sabha was first constituted it had only four Committees, namely, the Rules Committee, the Committee of Privileges, the Committee on Petitions and the House Committee. Later on, five Committees, namely, the Business Advisory Committee, the Committee on Subordinate Legislation, the Committee on Government Assurances, the General Purposes Committee and the Committee on Papers Laid on the Table were constituted.

Apart from the afore-mentioned Standing Committees, there are eight Department-related Standing Committees (DRSCs) under the jurisdiction of Rajya Sabha that cover various Ministries/ Departments of the Government of India:

1. Committee on Commerce
2. Committee on Health and Family Welfare
3. Committee on Home Affairs
4. Committee on Human Resource Development
5. Committee on Industry
6. Committee on Personnel, Public Grievances, Law and Justice
7. Committee on Science and Technology, Environment, Forests and Climate Change
8. Committee on Transport, Tourism and Culture

In addition to the Standing Committees and Department-related Standing Committees of Rajya Sabha, there are some Standing Committees of the Lok Sabha with which Members of the Rajya Sabha are associated, namely:

- (A) Committees provided for in the Rules of Procedure and Conduct of Business in Lok Sabha:
  - 1. Committee on Public Accounts (PAC)
  - 2. Committee on Public Undertakings (COPU)
  - 3. Committee on the Welfare of the Scheduled Castes and Scheduled Tribes
  - 4. Committee on Empowerment of Women
- (B) Joint Parliamentary Committees, which are set up by adoption of motions in both Houses:
  - 1. Railway Convention Committee
  - 2. Committee on Offices of Profit
  - 3. Committee on Welfare of Other Backward Classes
- (C) Committees which are appointed by the Presiding Officers on *ad-hoc* basis for particular purposes such as:

1. Joint Committee on Food Management in Parliament House Complex
  2. Joint Committee on Installation of Portraits/ Statues of National Leaders and Parliamentarians in Parliament House Complex
  3. Joint Committee on Maintenance of Heritage Character and Development of Parliament House Complex
  4. Joint Committee on Security in Parliament House Complex
- (D) Committees of both the Houses constituted under the provisions of law, as for example, the Joint Committee on Salaries and Allowances of Members constituted under section 9(1) of the Salary, Allowances and Pension of Members of Parliament Act, 1954.
- (E) The Chairman, Rajya Sabha also nominates three Members of Rajya Sabha to serve on the Library Committee which is set up by the Speaker, Lok Sabha and finds a mention in the Appendix-II to the Lok Sabha Rules.

The Members of the Rajya Sabha on the Committee on Public Accounts, Committee on Public Undertakings,

Committee on Offices of Profit, Committee on the Welfare of the Scheduled Castes and Scheduled Tribes and Committee on the Welfare of Other Backward Classes are elected by the House, while Members of the other Joint Committees are nominated by the Chairman. The proportion of number of Members of Lok Sabha and Rajya Sabha in these Committees is in the ratio of 2:1 respectively.

Normally, these Committees are re-constituted every year but every Committee continues to hold office until a new Committee is constituted.

The Members of the Rajya Sabha are also represented on other statutory bodies such as the All India Institute of Medical Sciences, Central Advisory Board of Education, Delhi Development Authority, Courts of the Central Universities, Haj Committee, etc. The Members are either elected or nominated by Hon'ble Chairman as the case may be.

The working of the Standing Committees of the House and the Department-related Standing Committees in Rajya Sabha is briefly described in the subsequent chapters.

## COMMITTEE ON PETITIONS

It is the inherent right of every citizen in a democratic country to seek redress of his grievances against Government or any public authority. For this purpose, they can use the services of their elected representatives *i.e.* Members of Parliament to whom the Government is answerable. The people can approach the Parliament to redress their grievances against the executive action when they fail to get relief anywhere else. Article 350 of the Constitution, thus provides:

“Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.”

In this respect the Committee on Petitions provides a forum for the ventilation of public grievances against executive action.

### **Origin and Composition of the Committee**

The institution of petitions is the oldest of all the Parliamentary forms by which petitions are presented with the object of redressing some general grievances or focusing the public opinion on matters of public importance. Its origin dates back to the Legislative Assembly of pre-Independence era. It owes its origin to a resolution moved by a member in the then Council of States on September 15, 1921. The resolution called for the setting up of a Committee on Public



Petitions with powers to take evidence. The matter was examined by a Committee appointed by the Government, which did not favour empowering the Legislature, with the proposed powers. However, the right of petitioning the Legislature, limited to public business, was recommended by it. The Committee received its present nomenclature, namely, the Committee on Petitions, in the year 1933.

The first Committee on Petitions of the Rajya Sabha was appointed in the year 1952 with Shri Jaspal Roy Kapoor as the Chairman and four other Members. The membership of the Committee continued to be five till the year 1964 when it was enhanced to ten and continues to be so thereafter. Rules 147 to 153 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) provide for the composition of the Committee, its quorum and functions and the First Schedule to the said Rules specifies the form in which the petition should be presented. The Committee is constituted under Rule 147 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). Normally it is reconstituted every year. The Committee continues in office till a new Committee is constituted. The Chairman of the Committee is appointed by Hon'ble Chairman from amongst the members of the Committee<sup>1</sup>. Rule 148 states that its quorum shall be five. The nature, form and character of the petitions, the manner of their presentation are also regulated by the rules. Till the year 1964, petitions could be presented to the Rajya Sabha only with regard to Bills which had been published in the Gazette of India or introduced in the House or in respect of which notice of motion had been received.

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<sup>1</sup> Rule 149.

The scope of the Committee was thus limited. However, in 1964, the rules were amended with a view to expand the scope of the petitions. Under the revised rules<sup>2</sup>, petitions may be presented or submitted to the Council with the consent of the Chairman and they may relate to:

- (i) a Bill which has been published under Rule 61 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) or which has been introduced or in respect of which notice of a motion has been received under those rules;
- (ii) any other matter connected with the business pending before the Council; and any matter of general public interest provided that it is not one—
  - (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or *quasi* judicial body or commission;
  - (b) which raises matters which are not primarily the concern of the Government of India;
  - (c) which can be raised on a substantive motion or resolution; or
  - (d) for which remedy is available under the law, including subordinate legislation *i.e.* rules, regulations or bye-laws made by the Central Government or by an

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<sup>2</sup> Rule 138.

authority to whom power to make such rules, regulations or bye-laws is delegated. Generally, before the Chairman consents to the presentation or submission of the petition to the Council, it is examined, if necessary, after obtaining comments of the Government, whether the subject-matter falls *prima facie* within the permitted scope.

A petition requires to be drawn up in a prescribed form<sup>3</sup>. It should be addressed to the Council of States and should contain a statement of grievance(s) and a prayer regarding the definite object in regard to the matter to which the petition relates.<sup>4</sup> The petition should contain the full name and address of the signatory and shall be authenticated by him if literate, by his signature and if illiterate, by his thumb impression.<sup>5</sup> Where the petition is from more than one person, it should contain the names and addresses of all those persons and should be signed by all of them. Every petition, if presented by a Member of the Rajya Sabha, has to be countersigned by him.<sup>6</sup> The Member presenting the petition has to give advance intimation to the Secretary- General of his intention to present the petition.<sup>7</sup> A petition can be presented by a member or be forwarded to the Secretary-General. In the latter case the fact shall be reported

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<sup>3</sup> Rule 139.

<sup>4</sup> Rule 143.

<sup>5</sup> Rule 140.

<sup>6</sup> Rule 142.

<sup>7</sup> Rule 144.

by him to the Council and no debate shall be permitted on the making of such report.<sup>8</sup> Every petition shall be couched in respectful and temperate language and shall be either in Hindi or in English. If any petition is made in any other language, it shall be accompanied by a translation, either in Hindi or in English and signed by the petitioner.<sup>9</sup> Letters, affidavits or other documents are not permitted to be attached to a petition.<sup>10</sup> In other words, the petition should be self-contained and self-explanatory and should conclude with a prayer, reciting the definite object of the petitioner in regard to the matter to which it relates.

### **Pre-admission stage**

When a petition is received in the Secretariat, it is examined to determine its admissibility according to the rules. If the Chairman of the Rajya Sabha admits the petition, the Member concerned is permitted to present the petition on a date convenient to him and the necessary entry is made in the List of Business of the day for the presentation of the petition. Every petition shall after presentation by a Member or report by the Secretary- General, as the case may be, stands referred to the Committee on Petitions.<sup>11</sup>

### **Functioning of the Committee**

The functions of the Committee are to examine (i) every petition referred to it<sup>12</sup>; and (ii) to report to the House on specific complaints contained in the petition<sup>13</sup>. To enable

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<sup>8</sup> Rule 145.

<sup>9</sup> Rule 139.

<sup>10</sup> Rule 141.

<sup>11</sup> Rule 150.

<sup>12</sup> Rule 151(1).

<sup>13</sup> Rule 152(2).

the Committee to report on the specific complaints, the Committee is empowered to take such evidence or call for such papers as it deems fit. Thus, the Committee has ample powers not only to make recommendations about specific complaints contained in the petition but also to suggest remedial measures, either in a concrete form applicable to the case under consideration or to prevent recurrence of such cases in future.

In practice, the Committee orders the circulation of those petitions which deal with Bills or matters pending before the House, *in extenso* or in summary form. So far as the petitions on matters of general public interest are concerned, the Committee examines in depth the complaints and grievances contained therein, calls for formal comments from the Ministries or Departments concerned and examines witnesses, including the petitioners and the representatives of the Ministries or Departments concerned with the subject matter of the petition. The Committee also undertakes on-the-spot tours to gain first-hand knowledge of the problem which is the subject of the petition under the Committee's consideration.

The Committee on Rules at one time had agreed with a suggestion that the Committee on Petitions should also consider the representations, letters and telegrams from individuals or associations containing prayer for redress of grievances and recommended that the Chairman might consider issuing of necessary direction in this regard. However, later the Committee reconsidered the decision in detail and came to the conclusion that the Committee should function within the ambit of the existing provisions and its scope need not be widened to allow it to consider such

petitions as were not covered by the Rules of Procedure, in view of the fact that there were other normal channels open for preferring such petitions. The Committee, therefore, in supersession of its earlier decision, was of the view that the Chairman need not issue any direction in this regard.

However, on 1 July 2011 in the context of strengthening of the Committee on Petitions of the Rajya Sabha, Hon'ble Chairman gave the following direction with regard to consideration of representations by the Committee:

“The Committee shall meet as often as necessary to consider representations, letters and telegrams from various individuals, associations, etc., which are not covered by the Rules relating to petitions, and give directions for their disposal:

Provided that representations, which fall in the following categories, shall not be considered by the Committee, but shall be filed on receipt in the Secretariat:

- (i) anonymous letters or letters on which names and/ or addresses of senders are not given or are illegible; and
- (ii) endorsement copies of letters addressed to authorities other than the Chairman or House unless there is a specific request on such a copy praying for redressal of the grievance.”

In 1976, the Chairman, Rajya Sabha, gave the following direction to the Committee enabling it to frame rules for its internal working:

“The Committee (Committee on Petitions) shall determine its own procedure in connection with

all matters relating to the petition referred to it including implementation of recommendations contained in its report presented to the Council.”

In pursuance of the Direction, the Committee framed its internal working rules, which are as under:

1. After the presentation or report of a petition to the Council, the Secretariat shall circulate a copy of the petition to the members of the Committee for their information, together with facts or comments on the petition, wherever obtained from the Ministry/Department concerned.
2. When the date and time of sitting of the Committee have been fixed, notice thereof along with the agenda shall be circulated to the members of the Committee.
3. The papers circulated to the Committee shall be treated as confidential and the contents thereof shall not be divulged to anyone without the permission of the Chairman of the Committee.
4. A Member, who is not a member of the Committee, may be invited to attend a sitting of the Committee under the orders of the Chairman of the Committee but he shall not be entitled to vote.
5. A record of the proceedings of each sitting of the Committee shall be kept.
6. Secretariat shall prepare minutes of each sitting of the Committee.

7. The fact that evidence was given before the Committee shall be mentioned in the minutes of the relevant sitting.
8. The minutes of each sitting of the Committee shall be circulated to the members of the Committee.
9. Where the Committee so directs the facts of the case or comments of the Ministry/ Department concerned on a petition shall be obtained by the Secretariat and placed before the Committee for its consideration.
10. The Secretariat shall prepare draft report of the Committee containing its recommendations which shall be placed before the Committee for its approval.
11. The report of the Committee shall be presented to the Council by the Chairman or in his absence by any member of the Committee.
12. As soon as possible, after presentation of the report to the Council, copies thereof shall be circulated to the members of the Council and the Ministries concerned.
13. A copy of the report shall also be forwarded to the petitioner concerned: Provided that in case a petition is signed by more than one person, a copy of the report shall be forwarded to the first signatory to the petition.
14. The Ministries shall furnish to the Secretariat, within a period of six months from the date of presentation of the report, statements showing



action taken or proposed to be taken by them on the recommendations made by the Committee in its reports. The information so received, shall be placed before the Committee for consideration in the form of memoranda.

15. When any Ministry is not in a position to implement, or feels any difficulty in giving effect to, a recommendation made by the Committee, the views of the Ministry shall be placed before the Committee, who may, if necessary, present a further report to the Council, after considering the views of the Ministry/ Department in the matter.

The Committee's recommendations are arrived at by mutual discussions amongst its members and are, by convention, unanimous. The Committee's approach is always unbiased, non-partisan and constructive. Its recommendations receive much attention from Government and are considered and implemented by Government in many cases. The Committee pursues the recommendations till they are finally disposed of. The Ministries/Departments are asked to inform the Committee within six months from the date of representation of the report about the action taken or proposed to be taken by them on the reports. Where the Ministries/ Departments find difficulty in implementing any recommendations they are required to state the nature of the problem, giving convincing reasons for the satisfaction of the Committee. The Committee is empowered, wherever necessary, to present further reports on the petitions considered earlier by it.

The Committee receives petitions from cross sections of society. There have been petitions from civil servants, students, workers, physically challenged persons and various other sections of the society.

The Committee on Petitions during the period of its existence has uptill now presented a total of 156 Reports.

Years	No. of meetings held	No. of reports presented
1952-1961	13	13
1962-1971	105	16
1972-1981	283	42
1982-1991	338	27
1992-2001	174	19*
2002-2005	42	10
2006-2007	28	4
2008-2009	31	7
2010-2011	32	5
2012-2013	37	5
2014-2015	22	5
2016-2017	29	2
2018-2019	12	2
2020 (till March)	1	-

\* Includes both interim and final report which the Committee had presented as part of its 112<sup>th</sup> Report.

## COMMITTEE OF PRIVILEGES

According to Erskine May, Parliamentary Privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of Parliament and by members of each House individually, without which they cannot discharge their functions and which exceed those possessed by other bodies or individuals. When any of these rights and immunities, both of the members, individually and of the House in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called a breach of privileges and is punishable under the law of Parliament. Article 105 and 194 of the Constitution deal with the powers, privileges and immunities of Members of Parliament/State Legislatures and their Houses, Members and Committees. Each House also claims the right to punish actions which, while not breaches of any specific privilege, are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its officers or its members. Such actions, though called ‘breaches of privilege’ are more properly distinguished as ‘contempts’.

Parliament acts both as the prosecuting and the adjudicating authority in deciding whether an issue relates to breach of privilege or contempt of the House. Each House has its own Committee of Privileges which examines every question involving breach of privilege of the House or of the Members or of any Committee thereof, referred to it by the House or by the Chairman/ Speaker. The Committee of

Privileges of the Rajya Sabha, since its first constitution on 22 May 1952, has been playing an important role in this context. This Committee is constituted to examine every question of privilege referred to it either by the House or by the Chairman and to determine, with reference to the facts of each case, whether a breach of privilege is involved, the circumstances leading to it and to make such recommendations as it may deem fit, including some specific form of punishment to be awarded to the offender. The Committee may also suggest the procedure to be followed by the House in giving effect to the recommendations made by the Committee. It consists of ten members nominated by the Chairman. The Chairman of the Committee is also appointed by the Chairman, Rajya Sabha from amongst the members of the Committee. Generally, the Deputy Chairman is appointed as the Chairman of the Committee. If the Deputy Chairman is for any reason unable to act as the Committee's Chairman, the Chairman appoints another Committee Chairman in his place. If the Committee Chairman is absent from any meeting, the Committee chooses another member to act as the Chairman for the meeting. Casual vacancies in the Committee's membership are filled by the Chairman. The tenure of the Committee is one year but it continues to hold office till a new Committee is constituted. The quorum of the Committee is five.

Every report of the Committee is presented to the House by the Chairman of the Committee or in his absence by a member of the Committee. After the report is presented to the House, a motion for consideration of the report may be moved by the Chairman of the Committee or any other member of the Committee. Any member may give notice of amendments to the motion for consideration of the report in

such form as may be considered appropriate by the Chairman, Rajya Sabha. After the motion for consideration of the report has been moved, the Chairman or any member of the Committee or any other member, as the case may be, move that the House agrees or disagrees or agrees with amendments with the recommendations contained in the report.

The Committee has so far presented 69 Reports to the House on matters referred to it.

## COMMITTEE ON ETHICS

The Committee on Ethics was constituted on 4 March, 1997 by the Chairman, Rajya Sabha as an internal self regulatory mechanism to oversee the moral and ethical conduct of its members and to examine the cases referred to it with reference to ethical and other misconduct of members. The Rajya Sabha was first to set up such a Committee in any Legislature in India. The Committee has ten members including its Chairman. The Chairman of the Committee is appointed from amongst its members. Leaders/ Deputy Leaders/ Chief Whips/ Whips of political parties/ groups in the Rajya Sabha are normally nominated as members of the Committee on Ethics by the Chairman, Rajya Sabha.

Chapter XXIV relating to Committee on Ethics (Rules 286-303) was added to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) *w.e.f.* 20 July, 2004.

The Committee has, under Rule 290, the following functions, namely:

- (a) to oversee the moral and ethical conduct of members;
- (b) to prepare a Code of Conduct for members and to suggest amendments or additions to the Code from time to time in the form of reports to the Council;
- (c) to examine cases concerning the alleged breach of the Code of Conduct by members as also

cases concerning allegations of any other ethical misconduct of members; and

- (d) to tender advice to members from time to time on questions involving ethical standards either *suo motu* or on receiving specific requests.

Rule 297 provides that where it has been found that a member has indulged in unethical behaviour or that there is other misconduct or that the member has contravened the Code/ Rules, the Committee may recommend the imposition of one or more of the following sanctions *viz.*:

- (a) censure;
- (b) reprimand;
- (c) suspension from the House (Council) for a specific period; and
- (d) any other sanction determined by the Committee to be appropriate.

The Committee also acts as record keeper and overseer of the declarations made by a member regarding his/her assets and liabilities as well as those of his immediate family members under the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004, framed by the Chairman, Council of States under sub-section (3) of Section 75A of the Representation of People Act, 1951.

Under Rule 3 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004, every elected Member of the Council is required to furnish as in Form-I the following information to the Chairman, Rajya Sabha within ninety days from the date of his taking oath/affirmation:

- (a) the movable and immovable property of which he, his spouse and his dependent children are jointly or severally owners or beneficiaries;
- (b) his liabilities to any public financial institution; and
- (c) his liabilities to the Central Government or to the State Governments.

Information so furnished by Member is appropriately entered in a register known as ‘Register of Declaration of Assets and Liabilities’.

Every Member after initial declaration shall also notify changes, if any, in the information so furnished by him as on 31 March every year by 30 June of that year.

‘Assets and Liabilities’ includes declaration of movable and immovable assets of the Members of the Rajya Sabha, their spouse and dependent children, owned in India as well as abroad and liabilities of the Members in India and abroad.

Under Rule 293 Members of the Rajya Sabha are required to furnish declarations regarding five pecuniary interests *i.e.*, Remunerative Directorship, Regular Remunerated Activity, Shareholding of Controlling Nature, Paid Consultancy and Professional Engagement in the prescribed form for registration in ‘Register of Members’ Interests’.

‘Pecuniary Interests’ include declarations by the Members of Rajya Sabha in respect of their pecuniary interests in India as well as abroad.



Every member shall furnish the information as per the prescribed form within ninety days from the date on which he/ she makes and subscribes oath or affirmation for taking his/ her seat and shall also notify the changes, if any, in the information so furnished by him/ her as on 31 March every year, within ninety days from the date.

The Committee has submitted ten reports so far. In its First Report presented to the House on 8 December, 1998 and adopted by it on 15 December, 1999, the Committee came to the conclusion that a Code of Conduct be prepared for the Members of the Rajya Sabha. Keeping in view the special needs and circumstances which prevailed in Indian context, the Committee recommended a framework of a Code of Conduct.

In its Second Report presented to the House on 13 December, 1999 and adopted by it on 15 December, 1999, the Committee considered the procedure for making a complaint to the Committee, the mechanism for investigation of a complaint and the question of providing penalties for a proved unethical conduct or for violating the Code.

In its Third Report presented to the House on 12 August, 2002 and adopted by it on 9 December, 2003, the Committee dealt with issues germane to the behaviour of Members in the Council as well as outside it. The Committee reiterated that a holistic view had to be taken while dealing with the issues relating to decline in standards of behaviour of the Members and that ethical questions could not be dealt with by legislation alone.

In its Fourth Report presented to the Rajya Sabha on 14 March, 2005 and adopted by it on 20 April, 2005, the

Committee recommended that Members may furnish the information regarding five pecuniary interests, *i.e.* Remunerative Directorship, Regular Remunerated Activity, Shareholding of Controlling Nature, Paid Consultancy and Professional Engagement in the prescribed form for registration in the 'Register of Members' Interests'. It also dealt with discipline and decorum in the Council, declaration of assets and liabilities, power to recommend sanctions and reiterated the Code of Conduct for Members as recommended in its First Report.

The Committee in its Fifth Report (Preliminary) presented to and adopted by the Rajya Sabha on 13 December, 2015 recommended suspension of Dr. Chhattarpal Singh Lodha, M.P., Rajya Sabha pending the presentation of the final report on the subject. Dr. Lodha was caught on tape accepting money for asking questions as shown in a sting operation telecast by a private TV channel.

The Committee in the Sixth Report presented on 15 December, 2005 and adopted by the House on 21 March, 2006 concentrated on the procedure for giving information contained in the 'Register of Members' Interests' to general public under sub-rule (3) of Rule 293.

The Committee recommended that the information contained in the 'Register of Members' Interests' may be made available to a person with written permission of the Chairman, Committee on Ethics. The application for the purpose should state (i) the person's name, occupation and address; (ii) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and (iii) that such person is aware of the prohibitions on the obtaining or use of the information as in the following para.

It will be illegal for any person to obtain or use the said information: (i) for any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; and for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The conditions of public access to the 'Register of Members' Interests' were also laid down by the Committee, *i.e.*, (i) Access is to be supervised; (ii) Inquirer may make notes. A photocopy of a Member's statement or declaration may be supplied if requested. In all cases, a photocopy will be supplied only of a Member's complete statement or declaration and not extracts. A copy of a statement or declaration may be collected in person or may be sent by post; (iii) The following access records will be maintained: name and address of inquirer (and organisation, if relevant), date and time of inspection and total number of pages photocopied; and (iv) Details from the register (*e.g.* advice as to whether a particular Member has or has not declared a particular interest or notified a particular alteration) will not be provided over the telephone.

In the Seventh Report presented to and adopted by the Rajya Sabha on 23 December, 2005, the Committee recommended for expulsion of Dr. Lodha from the Membership of the House in view of the overwhelming and clinching evidence that he had contravened para (v) of the Code of Conduct for Members of the Rajya Sabha and his conduct was derogatory to the dignity of the House.

The Committee also made a general point regarding sting operations which are illegal in some countries and felt the need for regulating such undercover operations. It also

suggested that after taking legal advice, concerned authorities may proceed against corrupt middlemen, Private Secretaries/ Personal Assistants of Members, officials working in the Parliamentary Party Offices who had been working as conduits in murky deals.

In its Eighth Report which was presented to the Rajya Sabha on 24 February, 2006 and adopted by it on 21 March, 2006, the Committee examined another complaint concerning alleged improper conduct of two Members of Rajya Sabha arising out of their sanctioning/ recommending fund for execution of certain projects under the MPLADS as shown in a programme titled 'Operation Chakravayuh' telecast by a private channel. The Committee while exonerating one Member, came to the conclusion that the conduct of Dr. Swami Sakshi Ji Maharaj amounted to violation of items (i) and (xiv) of the Code of Conduct for Members of Rajya Sabha and accordingly recommended his expulsion from membership of the House as his conduct had brought the House and its Members into disrepute.

The Committee further reiterated its recommendations on the need for enactment of a law by Parliament for regulating the undercover operations and taking legal action against the corrupt middlemen, private secretaries of the MPs and officials working in the Parliamentary Party Offices who had been instrumental in arranging the meetings of undercover reporters with MPs and acted as conduits in murky deals.

Under Rule 3 of the Members of Rajya Sabha (Declaration of Assets and Liabilities) Rules, 2004, every elected Member of the Rajya Sabha has to furnish information to the Chairman, Rajya Sabha about the movable and

immovable property of which he/she, his/her spouse and his/her dependent children are jointly or severally owners or beneficiaries. These rules were framed by the Hon'ble Chairman, Rajya Sabha, in exercise of the powers vested in him under sub-section (3) of Section 75A of the Representation of the People Act, 1951 and the definition of the term 'dependent children' as mentioned in Explanation (v) of sub-section (5) of Section 75A of the Act applies in respect of dependent children of Members of the Rajya Sabha.

In its Ninth Report which was presented to the House on 18 February, 2009, the Committee noted that the definition of the term 'dependent children' appeared to be somewhat irrational with there being no age bar and the sole determining factor being their having no separate means of earning which it felt was perhaps not the case wherever this term was defined. Therefore, the Committee recommended for substitution of the definition of the term 'dependent children' occurring in Explanation (v) to sub-section (5) of Section 75A of the Representation of the People Act, 1951 with the definition as contained in Central Civil Services (Pension) Rules, 1972 consequent upon the concurrence given by the Ministry of Law and Justice (Legislative Department).

In its Tenth Report on the Non-Disclosure of Liabilities such as the Loans taken from Banks in his assets and liabilities returns by Dr. Vijay Mallya, Member, Rajya Sabha which was presented to the House on 4 May, 2016. The Committee unanimously recommended to the House that Dr. Vijay Mallya be expelled with immediate effect. The Committee was of the opinion that by taking such stern action, a message would reach to the general public that Parliament is committed to take such steps to uphold the dignity of this great institution.

## COMMITTEE ON GOVERNMENT ASSURANCES

The Parliamentary Questions included in the lists of Questions for oral as well as for written answers are some of the devices used by the legislature for holding the Executive accountable for its various acts of omissions and commissions. It is obvious that many a time, Ministers while replying to questions or supplementaries thereon in the House, are unable to furnish forthwith all the information asked for by the Members. The Members also appreciate that the matter raised by them or information sought may not always be available with the Minister instantly. What they expect, however, is a reasonable response from the Minister. It may be in the form of an assurance that the information will be furnished later or what Government proposes to do in the matter will be communicated to the House. Thus, many a time Ministers give assurances, undertaking or promises either to consider the matter, take appropriate action thereon or collect and furnish relevant information to the House later. Such assurances are given not only while replying to questions but also during discussion on Bills, Resolutions, Motions, etc. These assurances are like safety valves and help in calming down momentary dissatisfaction, which generally arise if the replies given by Ministers are evasive or unsatisfactory.

But the issue of giving assurance to the Member and through him to the House should not, in public interest, be allowed to rest there. There is a possibility that a Minister, after giving an assurance, does not fulfill the same due to

administrative or other reasons. On the other hand, it is difficult/impractical for Members to monitor as to whether the assurances given by the Minister on the Floor of the House have actually been fulfilled or implemented. There was no satisfactory mechanism of knowing/monitoring, whether all the assurances given by the Ministers have been implemented as the members had no record of all such assurances. There were, therefore, innumerable difficulties which an individual member had to surmount to get an assurance implemented. Sometimes a Minister might claim that a particular assurance had been implemented, but if one went deep into the matter, one would find that there was no implementation of the assurance at all. It may also happen that a portion of the assurance, which may not be substantial, has been implemented and the material part of it has not been attended to at all. In the past there was no obligation on the part of the Government to give a report to Parliament regularly and it was left to the Government to give a report to Parliament regarding the fulfillment of the assurances, promises, undertaking etc., given by Ministers on the Floor of the House.

In view of the above, it was felt that in order to remove these difficulties and keep a watch over the implementation of such assurances, a need was felt for constituting a parliamentary agency to look into such matters. Accordingly, Committee on Government Assurances came into being on 1 July 1972. This is a unique Committee, one of its kind and wholly an Indian innovation.

The Committee consists of 10 members including the Chairman. The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members

of the Committee. If the Deputy Chairman is a member of the Committee, he is appointed the Chairman of the Committee. The Committee continues in office till a new Committee is constituted.

Rules 212A to 212 G of the Rules of Procedure and Conduct of Business in Rajya Sabha deal with the Committee. The functions of the Committee on Government Assurances as enunciated in Rule 212A of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) are to scrutinise the assurances, promises, undertakings, etc. given by Ministers from time to time, on the Floor of the House and to report on:

- (a) the extent to which such assurances, promises, undertakings have been implemented; and
- (b) when implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

The Committee thus monitors the implementation of Assurances given on the floor of the House. It also considers the request of the Ministries/Departments for extension of time, dropping of assurances and implementation Reports which are laid on the floor of the House by the Minister of Parliamentary Affairs.

The Committee in its first report adopted on 7 November 1972 adopted a standard list of 34 items/expressions which are treated as constituting assurances, undertakings, etc., given by the Ministers on the Floor of the House. This list of expressions/ items given as Appendix IV of the Report is, however, only illustrative and not exhaustive



and is meant for the guidance of the Committee as well as the Rajya Sabha Secretariat. Any addition to or deletion from this list is done by the Committee itself. In important cases the Chairman keeps the Committee informed of the action taken by him on behalf of the Committee.

The purpose and value of an assurance is lost unless it is implemented within a reasonable time. The Committee has, therefore, laid down the time limit of three months for the implementation of an assurance.

Appendix I of the first report of the Committee laid down rules for its internal working. The procedure followed by the Committee is to cull out assurances from the verbatim proceedings of the House on the basis of a standard list of expressions or items given in Appendix IV of the said report. Such list of assurances are also prepared by the Ministry of Parliamentary Affairs on behalf of the Committee. If there is any discrepancy between the two lists, the matter is taken up with the Ministry of Parliamentary Affairs.

After the assurances have been culled from the proceedings of the House, the Secretariat sends them to the Ministry concerned for implementation. The Ministry thereupon takes action under intimation to the Ministry of Parliamentary Affairs. On the basis of the information furnished by the Ministries, the Minister of Parliamentary Affairs lays on the Table of the House, from time to time, statements of action taken by the Ministries. Such statements clearly show the implementation of specific assurances supported by documents wherever necessary.

The Committee also considers all requests from the Ministries/ Departments of the Govt. of India for dropping

of assurances including the request that a particular statement by a Minister may not be treated as an assurance.

As soon as statements on the implementation of the assurances are laid on the Table of the House, the Secretariat on behalf of the Committee, examines these statements with a view to ensure that there has been a complete and satisfactory implementation of the assurances or whether something further is required to be done on any of the assurances or whether an inordinate delay had occurred in their implementation. The findings in the matter are placed before the Committee for its consideration.

While considering the statement in regard to action taken by the Government in the implementation of certain assurances, or in respect of assurances which have not been implemented satisfactorily or in case of delay in implementation, the Committee has the discretion to issue a questionnaire and summon officers of the concerned Ministries to give evidence before it. It is also open to the Government to bring to the notice of the Committee any fact which they desire the Committee to approve with reference to any specific assurance.

After the examination of the action taken by the Government to implement the assurances, the Committee arrives at its own conclusion regarding the extent to which assurances have actually been implemented and the time taken for implementation and then makes its recommendations. The report is presented to the House by the Chairman or any other member of the Committee so authorised for the purpose.

Committee on Government Assurances has also developed a Software (CGA Software), wherein updated

information about extension granted in respect of all the assurances pertaining to various Ministries/ Departments are viewable/accessible by the Ministries.

Since its inception in July, 1972, the Committee has presented in all 73 Reports to the House so far as per details given below:

Year	No. of meetings held	No. of reports presented
1972	5	1
1973	18	2
1974	18	2
1975	21	1
1976	19	1
1977	19	2
1978	22	3
1979	27	1
1980	31	3
1981	47	4
1982	39	2
1983	33	2
1984	32	2
1985	20	2
1986	24	2

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Year	No. of meetings held	No. of reports presented
1987	28	2
1988	11	1
1989	45	2
1990	23	1
1991	44	1
1992	10	1
1993	10	1
1994	12	1
1995	12	1
1996	12	1
1997	14	1
1998	11	3
1999	15	3
2000	10	3
2001	9	2
2002	7	2
2003	5	1
2004	7	1
2005	12	1

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Year	No. of meetings held	No. of reports presented
2006	7	1
2007	8	1
2008	6	1
2009	7	1
2010	10	1
2011	10	1
2012	14	1
2013	18	1
2014	15	1
2015	8	1
2016	7	1
2017	8	1
2018	7	1
2019	5	1
2020 (till March)	2	-

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## **COMMITTEE ON SUBORDINATE LEGISLATION**

The Constitution of India provides for the establishment of a Welfare State based on justice and equality. There is hardly any activity of a common man's life which is not regulated by the State in one form or the other. The nature and range of functions of Government are accordingly changing at a rapid speed and responsibilities of the legislature are also becoming increasingly onerous. The area and extent of Government activity, therefore, widened considerably necessitating enactment of a larger number of laws.

It is not possible for any legislature to pass comprehensive legislative measures, anticipating and meeting all possible contingencies and situations because of technical and sometimes complicated nature of the subject matter that requires expert knowledge to work out the details; and the need to have flexibility and adaptability to meet emerging situations and to act speedily. Hence the details which are essentially subsidiary or procedural in nature are conveniently left to be supplied and supplemented by rules, regulations and orders within the prescribed framework and limits imposed by the statute itself and subject to parliamentary control.

Parliament does not attempt to do more than lay down the broad principles of any legislation in hand. It merely formulates a legislative policy and leaves the application of the law to be worked out in greater details within that policy or those principles by the administrative departments. The instruments that embody these details are known by various

names such as rules, regulations, bye-laws, schemes and orders. They form what is called subordinate legislation, *i.e.* legislation made by a body named in a statute which is subordinate and subject to the control of the supreme legislative body, the Parliament. Parliament exercises its control on subordinate legislation in three ways. Firstly, it requires, by providing in the statute, that the rules etc. made there under should be laid on the Table so that Parliament is kept informed about them. Secondly, it gives, again through the statute, a right to the Parliament to make modifications or amendments in these rules by adopting a motion or resolution moved within a stipulated time. Thirdly, each House of Parliament has set up a Committee known as Committee on Subordinate Legislation to scrutinise the rules made under the statute.

The Committee on Subordinate Legislation is thus one of the most important committees of Parliament. The Committee on Subordinate Legislation was constituted for the first time by the Chairman, Rajya Sabha on 30 September, 1964. The Rules of Procedure and Conduct of Business of Rajya Sabha were amended in 1972 to widen the sphere of the Committee's functioning so that the Committee could scrutinise rules and regulations made under the Constitution also. The Committee consists of fifteen members who are nominated by the Chairman. The Committee holds office until a new Committee is nominated. Casual vacancies in the Committee are filled by nomination by the Chairman, Rajya Sabha. The Chairman of the Committee is appointed by the Chairman of the Rajya Sabha from amongst the members of the Committee. If the Deputy Chairman, Rajya Sabha is a member of the Committee, he is appointed Chairman of the Committee.

The main work of the Committee is to consider, scrutinise and report to the House whether the powers delegated by the Constitution or a statute of Parliament have been properly exercised within the framework of the Constitution or the concerned statute. While this is the broad guideline for the Committee, according to Rule 209 of the Rules of Procedure and Conduct of Business, the Committee has particularly to see the following aspects of a rule or regulation:

- (i) whether it is in accordance with the provisions of the Constitution or the Act pursuant to which it is made;
- (ii) whether it contains matter which, in the opinion of the Committee, should more properly be dealt within an Act of Parliament;
- (iii) whether it contains imposition of any tax;
- (iv) whether it directly or indirectly bars the jurisdiction of the courts;
- (v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (vi) whether it involves expenditure from the Consolidated Fund of India or the Public revenues;
- (vii) whether it appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;



- (viii) whether there appears to have been unjustifiable delay in its publication or laying before Parliament; and
- (ix) whether for any reason its form or purport calls for elucidation.

Besides Rule 209 the scope of the Committee's functioning has been widened through the following directions by the Chairman, Rajya Sabha issued under rule 266:

- (1) The Committee on Subordinate Legislation may examine all 'Orders', whether laid before the Council or not, framed in pursuance of the provision of the Constitution or a statute delegating power to a subordinate authority, to make such orders.
- (2) The Committee may examine provisions of Bills which seek to:
  - (i) delegate powers to make Orders; or
  - (ii) amend earlier Acts delegating such powers with a view to see whether suitable provisions for the laying of the Orders before the Council have been made therein.
- (3) The Committee may examine any other matter relating to an Order or any question of Subordinate Legislation arising therefrom.

The Committee, therefore, examines Bills as introduced in or laid before the House with a view to see

whether the provisions requiring laying of the rules, regulations etc. made thereunder, on the Table of the House have been made.

Each and every rule, regulation, etc. either laid on the Table or published in the Gazette of India is examined. If any point in regard to the exercise of the rule making power by the subordinate authority arises during that examination, a clarification from the Ministry is sought and thereafter the matter is placed before the Committee in the form of a memorandum giving the details such as the rule objected to, the grounds of objection and the Ministry's comments or clarification thereon. The Committee considers the memorandum and comes to its own conclusions. If further elucidation is needed by the Committee, it is sought either in writing or by inviting the representatives of the Ministry concerned to appear before it personally. The details of all these matters find place in the report of the Committee.

The Rajya Sabha Committee on Subordinate Legislation has been in existence for the last 56 years and it has so far presented 240 reports to the House. These reports reveal certain noteworthy contributions made by the Committee not merely in the matter of improving the form or drafting of the subordinate legislation but also in the matter of substance and contents thereof especially in respect of rules which appear to affect a citizen's rights. Many of the recommendations made by the Committee have also led to amendment of statutes. The Committee also reports to the House from time to time on action taken or proposed to be taken by the Government on the various recommendations made by it.

The Committee since its inception has done the following quantum of work:

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Year	No. of meetings held	No. of reports presented
1964	1	0
1965	1	0
1966	1	1
1967	5	2
1968	5	2
1969	10	2
1970	6	1
1971	14	3
1972	10	2
1973	8	2
1974	10	2
1975	17	1
1976	14	4
1977	12	4
1978	23	4
1979	54	2
1980	37	12
1981	56	4

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Year	No. of meetings held	No. of reports presented
1982	35	2
1983	38	8
1984	25	6
1985	23	4
1986	28	2
1987	20	4
1988	21	2
1989	13	3
1990	11	5
1991	15	9
1992	21	5
1993	15	2
1994	14	3
1995	12	9
1996	0	0
1997	5	3
1998	16	8
1999	13	3
2000	11	5
2001	13	6

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Year	No. of meetings held	No. of reports presented
2002	10	8
2003	11	6
2004	8	3
2005	14	7
2006	14	5
2007	12	6
2008	10	6
2009	14	8
2010	9	3
2011	18	7
2012	9	7
2013	12	9
2014	8	9
2015	16	5
2016	12	4
2017	12	4
2018	7	2
2019	9	5
2020 (till May)	4	2

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## **COMMITTEE ON PAPERS LAID ON THE TABLE**

The practice of laying papers on the Table is a long established tradition. A wide variety of papers are laid on the Table of the House. In certain Central Acts, specific provision exists for the laying of, on the Table, certain documents such as annual report and audited accounts of autonomous bodies, Government companies etc., as also the rules made by the Government in exercise of the delegated powers of legislation. Sometimes, Government on their own lay on the Table important reports, agreements and other papers, which Government thinks should be brought to the notice of Parliament.

Previously, all matters relating to papers laid on the Table like delay in laying a paper and whether there had been compliance of the statutory provisions for laying the paper or whether papers required to be laid on the Table had actually been laid and whether both Hindi and English versions of a paper had been laid, were left to individual members to probe and to raise these points in the House. Considering the huge volume and variety of papers which are laid on the Table from day to day and the fact that papers to be laid on the Table are not available to members for scrutiny in advance, it was not always possible for members to exercise vigilance in respect of all the aspects of papers laid on the Table. The House by itself was also not in a position to have a closer scrutiny of each and every document laid on the Table.

It was against this background that the need to constitute a Committee on Papers Laid on the Table was felt and the Committee on Rules in its second report presented to the Rajya Sabha on 22 May, 1979, recommended for the constitution of the Committee on Papers Laid on the Table. The said report was agreed to by the Rajya Sabha on 24 December, 1981. The amendments to the rules were brought into force with effect from 15 January 1982. While incorporating the rules relating to the constitution and functions of the Committee *viz.*, Rules 212H to 212O in the Rules of Procedure and Conduct of Business in the Council of States, a provision has also been made that a member wishing to raise any of the matters which comes within the purview of this Committee shall refer it to the Committee and not raise it in the House.

The Committee on Papers Laid on the Table was for the first time constituted on 3 March, 1982. It consists of 10 members nominated by the Chairman. Its normal tenure is one year but continues to hold office till a new Committee is constituted. The Chairman of the Committee is appointed by the Chairman of Rajya Sabha from amongst the members of the Committee. If the Deputy Chairman is a member of the Committee, he is appointed as the Chairman of the Committee.

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

- (a) whether there has been compliance with the provisions of the Constitution or the Act of

Parliament or any other law, rule or regulation in pursuance of which the paper has been so laid;

- (b) whether there has been any unreasonable delay in laying the paper before the House and if so, (i) whether a statement explaining the reasons for such delay has also been laid before the House along with the paper; (ii) whether these reasons are satisfactory; and
- (c) whether the paper has been laid before the House both in English and Hindi and if not, (i) whether a statement explaining the reasons for not laying the paper in Hindi has also been laid before the House along with the paper; and (ii) whether these reasons are satisfactory.

The Committee also performs such other functions in respect of the papers laid on the Table as may be assigned to it by the Chairman from time to time.

The Committee has the power to require the evidence of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties. It is left to the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

The Committee after its constitution took to itself the prodigious task of examining the annual reports and audited accounts of a wide array of organizations, public



undertakings and statutory corporations under the Central Government, Societies or Cooperatives financed by Government institutions, Joint Ventures, Autonomous bodies and all grantee organisations for which substantial grants to the tune of Rs. 50 lakh and above are provided by the Government and had made valuable recommendations of vital implications as contained in its First Report presented to the House on 11 August, 1982 and subsequent reports. Some of its important recommendations are :

- i. Reports of the Public Undertakings, Companies/Societies etc. that are laid on the Table of the House should include the Annual Report, Audited Accounts, Comments by the C&AG wherever given, reply to the observations of the Auditor and to the comments and review of C&AG, Report by the Government under Section 619 A in respect of Government companies and also the Review in respect of other institutions for which the Reports are laid by Government, and annual budget of Government company/ organization be presented to Parliament. (Para 28, 1<sup>st</sup> Report)
- ii. Annual reports and audited accounts together with review statements and delay statements, if any, be laid on the Table of the House simultaneously so as to present to Parliament, at a given time, a complete

and fair picture on the working of the organization. (Para 3.17, 21<sup>st</sup> Report)

- iii. The statements giving reasons for delay should contain information, in chronological order setting forth the dates of compilation of accounts, their submission to Audit, receipt of draft Audit Report, replies given to audit queries, receipt of final Audit Report, translation and printing of Accounts and their submission to the Ministry for laying on the Table of the House. So that the House may identify the stages, causes and extent of delay and suggest remedial measures wherever required. (Para 3.17, 22<sup>nd</sup> Report)
- iv. The Committee expressed its views that no rule and regulation should come in the way of implementation of the Parliamentary directions. The Committee, accordingly, directed the management of the Commission and the representative of the Ministry to amend the respective rule of the Commission (the Oil & Natural Gas Commission) to fall in line with the Parliamentary directions to ensure timely laying of its documents. The Committee also desired that C&AG should be consulted with a view to chalking out a suitable time schedule for the purpose. (Para 4.12, 49<sup>th</sup> Report)

- v. The Committee observes that the review of the performance of an organization made by the Ministry should be analytical instead of being a routine statement. The Committee recommends that the Ministry must comment upon the financial and functional performance of the organization and also apprise the Parliament of the achievements made by the organization against the set annual targets. The Committee feels that in its review, the Ministry should be able to certify whether the papers present a true and fair picture of the organization. (Para 7, 122<sup>nd</sup> Report)

The Committee has so far presented 159 Reports to the House. Following table provides year-wise number of meetings held/ reports presented by the Committee since its inception in the year 1982:

Year	No. of meetings held	No. of reports presented
1982	20	5
1983	35	6
1984	26	5
1985	20	7
1986	16	6
1987	16	5

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Year	No. of meetings held	No. of reports presented
1988	10	1
1989	11	3
1990	15	—
1991	26	3
1992	26	4
1993	14	5
1994	24	3
1995	18	—
1996	5	1
1997	7	2
1998	15	12
1999	19	4
2000	5	3
2001	5	3
2002	9	8
2003	8	7
2004	8	3
2005	12	3

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Year	No. of meetings held	No. of reports presented
2006	7	6
2007	7	4
2008	6	8
2009	6	4
2010	11	3
2011	19	15
2012	11	3
2013	6	2
2014	4	1
2015	8	2
2016	9	1
2017	8	3
2018	15	3
2019	7	3
2020 (till March)	3	1

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## **BUSINESS ADVISORY COMMITTEE**

Keeping in view the volume of parliamentary work and limited time available to the Rajya Sabha, it is necessary to plan the business of the House so that optimum utilization of time may be ensured for discussions/ debates, deliberations, etc. With a view to achieving this purpose, the necessity of having a Committee of the House for allocating time to legislative and other business was felt essential and thus the Business Advisory Committee was set up accordingly.

### **Composition**

The Business Advisory Committee (BAC) is constituted under Rule 30(1) of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). The Committee was constituted for the first time in the Rajya Sabha on 4 August, 1952. The Committee consists of 11 members including the Chairman and the Deputy Chairman, Rajya Sabha. It holds office until a new Committee is constituted every year. Normally, the Committee is reconstituted every year. The Chairman, Rajya Sabha, is the Chairman of the Committee and if the Chairman is for any reason unable to preside over a meeting of the Committee, the Deputy Chairman, Rajya Sabha acts as the Chairman for that meeting. If the Chairman and the Deputy Chairman, as the case may be, is for any reason, unable to preside over any meeting,

the Committee shall choose any other member to act as the Chairman for that meeting. Casual vacancies in the Committee are filled by the Chairman. The quorum of the Committee is 5.

### **Special Invitees**

In view of the limited membership of the Committee, it is not possible to include in the Committee, members of each party and group represented in the House. In order to make the Committee as broad based as possible and to make its recommendations acceptable to all sections of the House, Leaders of Parties/ Groups having a strength of four or more and if not represented in the Committee are invited as Special Invitees to the meetings of the Committee. Apart from this, members on the Panel of Vice-Chairmen, Leader of the House, Leader of the Opposition and the Minister(s) in-charge of the Ministry of Parliamentary Affairs, if not already a member of the Committee, are also invited as ‘Special Invitees’ to take part in the deliberations of the Committee. But these ‘special invitees’ do not have a right to vote and are also not counted for the purpose of quorum in the Committee. The purpose of inviting the Minister(s) in-charge of the Ministry of Parliamentary Affairs is to have the view of the Government regarding Government business while allocating time for discussion thereon. Therefore, role of the Minister of Parliamentary Affairs in the deliberations of the Committee is very vital. He also briefs the Committee on the various legislative proposals Government proposed to bring before the House and also their priority for discussion at the point of time.

## **Functions**

The Committee recommends time that should be allocated for the discussion of the stage or stages of such Government and Private Members' Bill and other Business. The Committee also indicates in the proposed allocation of time, the different hours on which the various stages of Bill or Bills shall be completed. The Committee also performs such other functions as may be assigned to it by the Chairman from time to time.

Under Rule 14 of the Rules of Procedure, the Chairman, in consultation with the Leader of the Council is expected to allot time for discussion on matters referred to in the President's Address to the Houses of Parliament under Clause (1) of Article 87 of the Constitution. But in practice, the Business Advisory Committee recommends time for discussion on the Motion of Thanks on the President's Address.

Besides this, the Demands for Grants of various Ministries/Departments are not discussed in the Rajya Sabha, rather working of the Ministries is discussed. The Business Advisory Committee not only selects the Ministries/ Departments that are to be discussed on their working but also allocates time for their discussion and also the party which will initiate the discussion on each Ministry and also the order in which they will be discussed in the House.

Besides, proposals for late sitting in the House, dispensing with the Question Hour or Lunch Hour, fixing



of additional sitting(s)/cancellation of sitting(s) and fixation of a sitting(s) on a holiday, etc. are also considered by the BAC.

While considering the allocation of time to various items of business, the Committee takes into account such factors as (i) the volume and significance of a Bill; (ii) the general desire and interest of members in a subject; (iii) the time taken for similar matters in the past or in the other House; and (iv) the total time available at the disposal of the House.

The Committee may also recommend that the House may dispense with the private members' business listed for a Friday in order to complete the urgent Government legislative and other business and allot time for private members' business on any other day in the same or subsequent week or even in the next session. The Committee may also recommend shifting of time for private members' business on a Friday to another time and day.

The recommendations of the Business Advisory Committee are only recommendatory and any subject recommended for discussion by the Committee is subject to other rules applicable in the case.

## **Meetings**

In its initial years, the Committee used to meet as and when requested to for allocating time for Government Legislative and Other Business. But, at present, the

Committee ordinarily meets on the first day of the session and then on Thursday or any other day during the Session, subject to the request of the Ministry of Parliamentary Affairs for allotment of time to Government Legislative and Other Business, though with the convenience of the Chairman. A notice for the meeting is generally issued on a day before the meeting of the Committee. SMS is sent to all invitees informing them of the meeting of the Committee through the Committee Management Information System. The agenda for the meeting is prepared on the basis of the details of Government Legislative and Other Business received from the Ministry of Parliamentary Affairs for which allocation of time is to be made and the same is placed before the Committee at the time of the meeting.

## **Report**

Under Rules 34 and 35 of the Rules of Procedure, the Report regarding allocation of time recommended by the Committee is to be reported by the Chairman or in his absence by the Deputy Chairman to the Council and notified in the Bulletin. Not only that the Motion is to be moved for agreeing to the recommendations of the Committee and Members are entitled to move amendments to the recommendations of the Committee. But it has been the practice since the inception of the Committee that recommendations of the Committee are reported to the House by the Chair in the form of an announcement made generally on the same day on which the Committee sits or the next day. The announcement is

notified in the Parliamentary Bulletin Part-II of that day. The announcement is treated as final and no formal Motion in respect thereof is moved.

Decisions of the Committee incorporated in the Minutes are circulated to its members and also to the special invitees and other members who were present in the meeting of the Committee.

## COMMITTEE ON RULES

Article 118(1) of the Constitution of India provides that each House of Parliament may make rules for regulating its procedure and conduct of its business, subject to the provisions of the Constitution. Clause (2) of the aforesaid article further provides that until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of the Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

At the time of its inception in May 1952, the Rajya Sabha had no Rules of Procedure of its own. For the purpose of regulating the procedure and conduct of business in the Rajya Sabha, the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business, in force immediately before the commencement of the Constitution were modified and adopted by the Chairman, Rajya Sabha in exercise of the powers conferred by article 118(2) of the Constitution. These rules continued to regulate the procedure and conduct of business in the Rajya Sabha for 12 years when they were replaced by new rules in 1964.

The first Committee on Rules of the Rajya Sabha was constituted on 22 May, 1952. It consisted of 14 members including the Chairman, Rajya Sabha, as the *ex-officio* Chairman of the Committee. The Committee presented five reports till 1954 wherein the old rules were modified and adapted by the Chairman and these modified rules continued to regulate the conduct and procedure of the Raja Sabha until they were replaced by new rules in 1964.

An *ad-hoc* Committee was set up in 1962 to recommend draft rules for regulating the procedure and conduct of business in the Rajya Sabha. The Report of the Committee recommending the draft rules was presented to the House on 29 November, 1963. On a motion moved in the House on 27 May, 1964, the rules as amended, were adopted by the House on 2 June, 1964. These rules came into force with effect from 1 July, 1964. The procedure for Calling Attention and Short Duration Discussion relating to matters of urgent public importance were for the first time introduced in the Rajya Sabha under these rules. The Committee on Subordinate Legislation was also constituted under these rules. The scope of the Committee on Petitions was also enlarged. These rules were further modified by the House on the basis of the First report of the new Committee on Rules in 1972 pursuant to which the Committee on Government Assurances was constituted.

The new Committee on Rules presented its Second and Third reports to the Rajya Sabha on 2 May, 1979

and 2 December, 1981 respectively. These two reports were agreed to by the Rajya Sabha at its sitting held on 24 December, 1981. On the basis of these two reports, the rules were further modified and the important amendments, *inter alia*, included:

- (i) the constitution of a Committee on Papers Laid on the Table;
- (ii) inclusion of Deputy Chairman as a member in the Business Advisory Committee and the Committee on Rules;
- (iii) transaction of Private Members' business on any other day in the week, if there is no sitting on Friday; and
- (iv) allocation of time for Private Members' business by the Business Advisory Committee as it does in case of Government business.

The Fourth report of the Committee on Rules was presented to the House on 19 March, 1986 and was adopted on 14 May, 1986. On the basis of this report, rules relating to Precedence of Private Members' Bills [25(3)], Resumption of adjourned debate on Private Members' Bill or Resolution [28(2)] etc. were modified and new Rules 212P to 212W relating to the House Committee were incorporated with effect from 1 July, 1986.

The Fifth report of the Committee on Rules was presented to the House on 19 August, 1992 and adopted

on 20 August, 1992. On the basis of this report, three Department-related Parliamentary Standing Committees, on (i) Human Resource Development; (ii) Industry; and (iii) Labour were set up in the Rajya Sabha. A full-fledged system of such Parliamentary Committees was further developed when the Committee on Rules presented its Sixth report to the House on 24 March, 1993 which was adopted on 29 March, 1993. On the basis of this report, a full-fledged system of seventeen Department-related Parliamentary Standing Committees relating to various Ministries/ Departments of the Government of India was set up. New Rules 268 to 277 and the Third Schedule to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) were added for this purpose. The Seventh report of the Committee was presented to the House on 19 February, 1995 and adopted on 30 May, 1995. On the basis of this report, the notice period for Questions was increased from 10 clear days to 15 clear days. The limit of words in the Question was reduced from 150 words to 100 words. The limit of total number of Questions for oral and written answers was also fixed by incorporating a new Rule 51A.

The Eighth report of the Committee was presented to the House on 12 May, 2000 and adopted on 15 May, 2000. On the basis of this report, the Special Mention procedure was incorporated in the Rules of Procedure by adding new Rules 180(A) to 180(E) for the purpose. The General Purposes Committee was also incorporated in the corpus of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) in the Rajya Sabha and new Rules 278-285 were added for this

purpose. Besides, new sub-clauses (ix) to (xviii) in Rule 169 relating to Motions were added and Rule 267 relating to Motion for Suspension was amended.

The Ninth report of the Committee was presented to the House on 20 July, 2004. In this report, the Committee recommended incorporation of the rules relating to the Committee on Ethics in the Corpus of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). A new Chapter, *viz.*, Chapter XXIV containing new Rules 286-303 on the Committee on Ethics was accordingly added for the purpose. Besides, the Committee also recommended amendment in Rule 212(Q)(1) for increasing the strength of the House Committee from seven members to ten members.

The Tenth report of the Committee was presented to the Rajya Sabha on 20 July, 2004, in which the Committee considered the question of restructuring the Department-related Parliamentary Standing Committee and suggested for the creation of seven new Committees on (i) Health and Family Welfare; (ii) Personnel, Public Grievances and Law and Justice; (iii) Water Resources; (iv) Chemicals and Fertilizers; (v) Rural Development; (vi) Coal and Steel; and (vii) Social Justice and Empowerment. Out of these seven Committees, two Committees, *viz.*, Health and Family Welfare and Personnel, Public Grievances and Law and Justice were recommended to be placed in Part-I of the Third Schedule to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha).



The Committee also suggested for reducing the maximum strength of membership of these Committees from 45 to 31 members, out of which ten members would be from the Rajya Sabha and 21 from the Lok Sabha. The Committee, accordingly, recommended amendments in Rule 269(1) and the Third Schedule to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha).

The Ninth and Tenth reports referred to above were adopted by the House on 20 July, 2004. The amendments in the rules were brought into force by the Chairman on the same day.

The Eleventh report of the Committee on Rules was presented to the House on 8 December, 2006 and adopted on 12 December, 2006. On the basis of this Report, Rule 252 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) was amended whereby the time of ringing the Division Bell was increased from two minutes to three minutes and thirty seconds. Also, on the basis of this Report, Rule 241 was amended permitting such Ministers who are not Members of the Rajya Sabha to make personal explanation in the House.

The Twelfth report of the Committee was presented to the House on 14 December, 2009 and adopted on 15 December, 2009. The Committee, in this report, recommended for amendment in Rule 43 so that only one Question distinguished by an asterisk by a member shall be placed in the starred list and each Question in the

starred list will be in the name of the Member only by virtue of his position in the ballot. The Committee further recommended amendment in Rule 54(3) so that Question of an absent Member would be answered on the direction by the Chairman at its place of priority in the starred list unlike in the past when Questions of absent Members were taken up in the second round only. As a consequence of these amendments, the Committee recommended deletion of Rule 55.

The Thirteenth and latest Report of the Committee was presented to the House on 25 November, 2014 and adopted by the House on 26 November 2014, with an amendment to the recommendations contained in the Report. The report owed its origin to the general experience gathered during the sittings of the Council of States in the past few years in which the Question Hour was frequently disrupted for various reasons. Since Question Hour is an instrument of ensuring accountability of the Executive to the Parliament and in order to avoid disturbance during Question Hour for variety of reasons, the Committee on Rules at its sitting held on 7 November, 2014 recommended amendments to Rule 38 of the Rules of Procedure and Conduct of Business of Council of States (Rajya Sabha) regarding change in the timings of the Question Hour from 11.00 a.m.-12.00 noon to 12.00 noon-1.00 p.m. The Committee further recommended amendment in Rule 51A regarding reduction in the limit of number of questions for oral answers to 15 from existing 20 and amendment to Rule 180(5) pertaining to time of taking up Calling Attention at 5.00 p.m. which was consequent to the amendment to Rule 38. A proviso

was recommended to this sub-rule which specified that no such matter shall be admitted on a day on which a Half-an-Hour discussion has been allowed. On 26 November, 2014, motions for consideration and adoption of the Report were moved in the House. An amendment to the motion in respect of Rule 180(5) was moved by a Member to the effect that the Calling Attention should be taken up in the House at 2.00 p.m. instead of 5.00 p.m. as recommended by the Committee on Rules in the Report. Another amendment for deletion of the proposed provision in sub-rule (5) of Rule 180 was moved by the same Member. The House adopted the Report with these amendments.

## HOUSE COMMITTEE

The House Committee is one of the four Committees which were first constituted in 1952. It was not provided for in the Rules of Procedure and Conduct of Business in the Rajya Sabha until 1986. The Committee on Rules in its fourth Report presented to the House in March, 1986 provided for the incorporation of a new Chapter, *viz.*, Chapter XVII- C containing new rules 212P to 212W relating to the House Committee in the Rules of Procedure.

The Committee consists of 10 members who are nominated by the Chairman, Rajya Sabha. The Committee holds office until a new Committee is constituted. The Chairman of the Committee is appointed by the Chairman, Rajya Sabha from amongst the members of the Committee. Three members of the Committee constitute the quorum.

The functions of the Committee are (a) to deal with all aspects relating to the allotment of residential accommodation to Members of the Rajya Sabha and to exercise supervision over facilities and other amenities given to Members; and (b) to consider and provide such amenities to members as may be deemed necessary from time to time. Proposals, suggestions, etc, which are of common interests to members of both the Houses are considered and decided by the Chairmen of House Committees of both the Houses.

The House Committee during the period of its existence has upto now presented the following eleven reports. No report has been presented after the eleventh report in 2003.

Report	Subject*	Date of adoption	Date of presentation in the House
1 <sup>st</sup>	Report	06.08.1986	07.08.1986
2 <sup>nd</sup>	Report	23.12.1993	29.12.1993
3 <sup>rd</sup>	Report	14.12.1995	22.12.1995
4 <sup>th</sup>	Report	12.03.1997	14.03.1997
5 <sup>th</sup>	Report	02.03.2000	07.03.2000
6 <sup>th</sup>	Report	by circulation	09.08.2001
7 <sup>th</sup>	Study tour by the Committee on the application of non-conventional energy sources in the multi storied (MS) Flats for Members at Dr. B.D. Marg, New Delhi	20.02.2002	07.03.2002
8 <sup>th</sup>	Performance of the Committee during the year 2001	07.08.2002	12.08.2002

\*First Six (6) Reports pertain to amenities/facilities provided to Members of the Rajya Sabha in their bungalows/flats.

Report	Subject	Date of adoption	Date of presentation in the House
9 <sup>th</sup>	Progress in the Construction of Brahmaputra, M.S. Flats for the Members of Rajya Sabha at Dr. B.D. Marg, New Delhi	18.08.2003	18.08.2003
10 <sup>th</sup>	Performance of the Committee during the year 2002	18.08.2003	18.08.2003
11 <sup>th</sup>	Installation of Solar Water Heating System at the Rajya Sabha Pool of Bungalows and SWAJAS Flats for the Members of Rajya Sabha	17.12.2003	18.12.2003

## **COMMITTEE ON PROVISION OF COMPUTER EQUIPMENT TO MEMBERS OF RAJYA SABHA**

Rapid strides in Information Technology have made great impact on every walk of our society. Use of current applications of IT to Parliamentary functions means moving towards a goal of realizing more efficient and transparent performance of Parliamentary functions and making parliamentary information and services accessible 24 hours a day, seven days a week. In a way, it is focused on the needs of the Members, employees of the Secretariat and media and public in general. To achieve this goal, the computerisation process was initiated in the Rajya Sabha with emphasis on the effective use of internet and other emerging technologies to receive and deliver information and services easily, quickly, efficiently and inexpensively.

The matter concerning provision of computers to the Members to aid their parliamentary functioning was first considered in the Rajya Sabha by the General Purposes Committee (GPC) at its meeting held on 14 February, 1995. Pursuant to it, notebook/laptop computers were procured in the year 1995 for supplying to Members on returnable basis. Thereafter, the General Purposes Committee at its meeting held on 20 February, 1997 recommended that a Committee of Members be constituted to go into all aspects relating to supply etc. of computers to Members of the Rajya Sabha and authorised Hon'ble Chairman, Rajya Sabha to nominate members to such a Committee. Accordingly, the Committee

on Provision of Computer Equipment to Members of Rajya Sabha\* was constituted by Hon'ble Chairman, Rajya Sabha on 18 March, 1997. The Deputy Chairman of the Rajya Sabha or a senior member of the House is the Chairman of the Committee.

The Committee presently consists of twelve members, nominated by the Chairman, Rajya Sabha. The Committee has been regularly meeting to review the progress made towards computerisation and guiding towards various IT initiatives in the functioning of the Rajya Sabha. Broadly, the Committee:

- (i) decides on the parameters with regard to application of Information Technology in the functioning of the Rajya Sabha;
- (ii) decides on norms for provision of computer hardware and software to be made available to Members from time to time along with suitable measures, including training, to encourage Members to be proficient in the use of IT tools; and
- (iii) takes steps to ensure increasing use of electronic mode of information dissemination in the Rajya Sabha.

Secretariat support to the Committee is provided by the IT Sections (Hardware & Software) and Technical

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\* The Committee when constituted for the first time was named as 'Committee on Provision of Computers to Members of the Rajya Sabha'. However, when the amended Rules 'The Provision of Computer Equipment (Members of Rajya Sabha and Officers) Rules, 2008' were framed, the word 'Computers' was modified to 'Computer Equipment' making the name of the Committee as 'Committee on Provision of Computer Equipment to Members of the Rajya Sabha'.



support is provided by the National Informatics Centre (NIC) and more specifically by a Standing Technical Advisory Committee (STAC) comprising Officers of the Secretariat and NIC. The Committee decides on the various IT facilities that are extended to Members.

In the matter of making available the facility of computer equipment to Members of the Rajya Sabha, the Committee is guided by the 'Provision of Computer Equipment (Members and Officers) Rules, 2008' which have the approval of Hon'ble Chairman, Rajya Sabha. The Committee has also formulated a procedure to regulate the purchase of computer equipment under the mentioned rules. These rules *inter alia* provide for a 'Scheme of Financial Entitlement to Members of Rajya Sabha for Computer Equipment'. As per the Scheme, Members can purchase computer equipment (Desktop and Laptop Computers, E-reader devices, Pen drive, Printer, Scanner, UPS, Handheld Communicator/Computer/Smartphone, Data Internet Cards, MS Office Suite and Language softwares and Speech recognition softwares, Computer Monitor and External Hard Drive and other small items such as Anti-Virus Software, Speakers with Desktop/ Laptop, Tempered Glass, Phone/ eReader Cover, Laptop Bag, Cooling Pad, Apple Pencil with iPad device, Bluetooth handset, Warranty extension packs etc.) using their financial entitlement.

The facilities presently available are as follows:

- (i) The financial entitlement of a Member for purchasing computer equipment and software under the Scheme is as follows:
  - (a) Rs.2,00,000/- if he/she has been elected/ nominated to the Rajya Sabha for a term of more than three years;

- (b) Rs.1,50,000/- if he/she has been elected/ nominated to the Rajya Sabha on a casual vacancy for a term of three years or less;
- (c) Additional Rs.1,00,000/- would be available to a Member after a period of three years of his/her term subject to condition that minimum period of term left is not less than three months; and
- (d) A salient feature of the Scheme is that out of the requisite financial entitlement, Rs.50,000/- is meant for facilitating Members to acquire a customised E-reader device, which may reduce their dependency on paper copies of Parliamentary documents. Procurement of one such device by Members within the first year of their term, using their initial financial entitlement, is mandatory. The cost towards the device is kept aside from the financial entitlement of each Member and any further use of the financial entitlement after the completion of first year of the term is allowed only after the Member has purchased the mandatory E-Reader device. However, out of this amount of Rs.50,000/- if any amount remains unutilised after the purchase of one E-reader device, that amount can be used

by the Members for purchase of any other item(s) permitted under the Scheme. The adequacy of the amount of financial entitlement is reviewed by the Committee on Provision of Computer Equipment to Members of the Rajya Sabha annually and revision, if any, takes effect prospectively.

- (ii) E-mail facility is provided to Members by the National Informatics Centre (NIC) free of charge. Members are allowed to retain the official e-mail accounts created for them by NIC on the “**sansad**” domain even after their retirement. The e-mail account once created remains functional during their membership of either House of Parliament, and after their retirement there from.
- (iii) Also secured Wi-Fi facilities in the Parliament House Complex including the Inner and Outer Lobbies of Rajya Sabha have been set up by the NIC. For availing this facility, a form is required to be filled up by the Members mentioning desired username for the facility.
- (iv) Additional Broadband facility of MTNL/BSNL by choosing to forego 10,000 telephone calls out of the entitlement of 1,50,000 free calls per annum is available to Members on landline connection.
- (v) Members may also avail high speed broadband on the Fibre to the Home (FTTH) with Wi-Fi

services at their residence in Delhi from MTNL and shall not liable to make payment up to a maximum of Rs.2,200/- per month, which shall be paid directly to MTNL towards charges for the facility.

- (vi) 3G facility and Blackberry services of MTNL/BSNL through packages customised for them @ Rs.1,500/- per month and @ Rs.999/- per month respectively, which get adjusted against 1,50,000 free telephone calls are available to Members. Also Members can obtain unlimited data usage package of MTNL and BSNL to get internet connectivity on their e-Reader Tablet devices (Apple i-Pad/ Samsung Galaxy Tab/ any other) @ Rs.999/- per month, which gets adjusted against the free calls available to Members. Besides these, two additional SIMs for using Blackberry Services and Data Card of MTNL/BSNL (besides 3 SIM cards Members get – one SIM for Delhi phone, one SIM for the constituency phone and one more SIM for the Tablet device) are also available to Members.

Online courses in English and Hindi have been developed through National Institute of Electronics and Information Technology (NIELIT), namely, Digital Literacy (Nine hours) and Basic Computer Concepts (Twenty hours) for the benefit of the Members which are available at the link <http://econtent.nielit.gov.in/rs/login/index.php>.

## **COMMITTEE ON MEMBER OF PARLIAMENT ON LOCAL AREA DEVELOPMENT SCHEME (MPLADS)**

### **MPLAD Scheme**

The MPLAD Scheme was launched on 23 December, 1993, to provide a mechanism for the Members of Parliament to recommend works of developmental nature for creation of durable community assets and for provision of basic facilities including community infrastructure, based on locally felt needs. The Scheme is governed by a set of Guidelines. The Scheme was initially under the control of Ministry of Rural Development which first issued the Guidelines on the Scheme in February, 1994. The Scheme was later transferred to the Ministry of Statistics and Programme Implementation. The Guidelines were revised in December, 1994; February, 1997; September, 1999; April, 2002; November, 2005; August, 2012 and June, 2016. The Ministry of Statistics and Programme Implementation, as the nodal Ministry, is responsible for policy formulation, release of funds and monitoring the implementation of the Scheme.

### **Salient features of the Scheme**

1. MPLADS is a centrally-sponsored Plan/Scheme fully funded by the Government of India.
2. Works, developmental in nature, based on locally felt needs and always available for the use of the public at large, are eligible under the Scheme.

Preference under the Scheme is given to works relating to national priorities, such as provision of drinking water, public health, education, sanitation, roads, etc.

3. The Members of Parliament have a recommendatory role under the Scheme.
4. The funds released under the Scheme are non-lapsable. The annual entitlement per MP/ Constituency is Rs.5 crores which is released by the Nodal Ministry in two installments of Rs.2.5 crores each. The fund is released to the Nodal District Authority of the Member concerned. For a period of less than a year, entitlement of MPLADS funds of an MP is as under:
  - (a) For a period of less than 3 months: NIL
  - (b) Period between 3 to 9 months: 50% of the annual entitlement.
  - (c) For a period of more than 9 months: 100% of the annual entitlement.
5. The first installment of Rs.2.5 crore is released immediately after election/ nomination of Member and his/her choosing a Nodal District. In subsequent years, the first installment is released in the beginning of the financial year subject to the following conditions:
  - (a) second installment of the previous year was released for the MP concerned;
  - (b) furnishing of the provisional Utilization Certificate of previous year covering at least

80% of the expenditure of the first installment of the previous year; and

- (c) the unspent balance of fund of the MP concerned is less than Rs.3 crore.

The second installment of the MPLADS fund is released subject to the fulfillment of the following eligibility criteria:-

- (a) the unsanctioned balance amount is less than Rs.1 crore;
  - (b) the unspent balance is less than Rs.2.5 crore; and
  - (c) Utilization Certificate of the previous financial year and Audit Certificate for the funds released for MP concerned in the year prior to previous year have been furnished by District Authority.
6. The District Authority may sanction works as per the recommendation of the MP up to his full entitlement for that year even without physical availability of funds. However, the release of funds will be regulated as specified in (5) above.
  7. The District Authority is empowered to examine the eligibility of works, sanction funds and select the implementing agencies, prioritise works, supervise overall execution and monitor the Scheme at the ground level.
  8. The elected Members of the Rajya Sabha can recommend works anywhere in the State from

which they are elected. Nominated Members of the Rajya Sabha may recommend works for implementation anywhere in the country.

9. There is no limit for works to be executed by Government agencies. However, there is a ceiling of Rs.50 lakh for works meant for each Trust/ Society in its lifetime with certain exceptions.\* An MP can recommend funds, only up to Rs.1 crore in all, in a financial year for works to Trusts/ Societies. The District Authorities shall ensure that each beneficiary Society/ Trust under MPLADS is registered with Darpan Portal being maintained by NITI Aayog and has a Unique Identifier.
10. All recommended eligible works should be sanctioned within 75 days from the date of receipt of the recommendation, after completing all formalities. The District Authority is, however, required to inform MPs regarding rejection, if any, within 45 days from the date of receipt of recommendations, with reasons thereof.
11. In case of a calamity of severe nature in any part of the country, an MP can recommend works up to Rs.1 crore for taking up permissible works in the calamity affected areas even outside his/ her State/ constituency.

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\* MPLADS funds up to Rs.1 crore can be availed by Societies/ Trusts that run charitable/ residential homes for orphans, for old-aged persons, widows, lepers, blind persons, spastic/ mentally retarded children or deaf and dumb children. An additional sum of Rs.25 lakh beyond Rs.50 lakh is permissible for Trusts/ Societies engaged in betterment of tribal people.



12. An MP can recommend eligible works up to Rs.25 lakh per year outside his/ her State/ UT/ Constituency, provided that such contribution will not be allowed for NGOs/ Trusts/Societies.
13. 15% of MPLADS funds are to be utilised for areas inhabited by SC population and 7.5% for areas inhabited by ST population.\*
14. The time-frame for completion of works should be stipulated to the implementing agency and should not normally exceed one year.
15. As soon as the work under the scheme is completed, it is put to public use and a plaque (stone/metal) is erected permanently carrying the inscription 'Member of Parliament Local Area Scheme Work' indicating the name of the MP sponsoring the project.

### **Evolution of the Committee on MPLADS**

The need for constitution of a Committee to look into various aspects of MPLAD Scheme arose in the wake of complaints received from Members regarding non-implementation/ delay in implementation of works/projects under the Scheme and need for an effective monitoring mechanism to implement the Guidelines. A meeting of all leaders of political parties/groups was convened by Hon'ble Chairman, Rajya Sabha on 16 July, 1998 to discuss in detail, problems faced in implementation of the MPLAD Scheme. It was felt that there should be a close coordination between district officials and Members of Parliament and there should

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\* In case a State does not have ST inhabited areas, this amount may be utilized in SC inhabited areas and *vice-versa*.

be a separate Parliamentary Committee under the Chairmanship of Deputy Chairperson, Rajya Sabha for monitoring the problems pertaining to the MPLAD Scheme. The leaders of political parties/groups authorised Hon'ble Chairman, Rajya Sabha to appoint a Committee on MPLADS, Rajya Sabha under the Chairmanship of Deputy Chairperson, Rajya Sabha to look into all aspects relating to MPLADS. Accordingly, the Committee on MPLADS, Rajya Sabha was constituted with effect from 5 September, 1998 comprising 10 Members of the Rajya Sabha including Deputy Chairperson, Rajya Sabha as the Chairperson of the Committee. Presently, the Committee on MPLADS, Rajya Sabha is a twelve Member Committee comprising Members from all major parties/groups and headed by Hon'ble Deputy Chairperson, Rajya Sabha.

### **Functions of the Committee**

Following are the main functions of the Committee on MPLADS, Rajya Sabha:

- (i) to consider proposals from the Ministry of Statistics and Programme Implementation (S&PI) and to make recommendations thereon.
- (ii) to consider suggestions from Members for change/improvement in the Scheme and to make recommendations thereon.
- (iii) to look into complains of Members regarding non-implementation or violation of guidelines on the Scheme and suggest corrective action to the Ministry of S&PI.
- (iv) to monitor and review the performance and problems in implementation of the MPLAD Scheme.

- (v) to perform such other functions in respect of the MPLADS as may be assigned to it by the Chairman, Rajya Sabha from time to time.
- (vi) The Committee oversees rehabilitation works in areas affected by natural calamities of severe nature struck in different parts of the country undertaken from the contributions made by Members of Rajya Sabha from their MPLADS funds. In the past, important works overseen by the Committee are as under:
  - (a) Super Cyclone in Orissa (1999);
  - (b) Earthquake in Gujarat (2001);
  - (c) Tsunami in South India (2004);
  - (d) Floods in Kosi river in Bihar (2008);
  - (e) Cyclone ‘AILA’ in West Bengal (2009);
  - (f) Cloudburst and flash floods in Leh (J&K) (2010);
  - (g) Earthquake in Sikkim and Darjeeling (2011);
  - (h) Cloudburst, flood and landslide in Uttarakhand (2013);
  - (i) Flood in Jammu & Kashmir (2014);
  - (j) Cyclone ‘Hudhud’ in Andhra Pradesh (2014); and
  - (k) Kerala Floods (2018).

The Committee also regularly reviews the Guidelines on MPLAD Scheme, particularly with a view to make the

monitoring and accountability mechanism under the Scheme more robust and effective. In this regard, the Committee presented a report to the Rajya Sabha in 2013.

Following Table provides an over-view of the work done by the Committee since its inception:

Year	No. of meetings held	No. of reports presented
1998	2	—
1999	4	1
2000	6	—
2001	7	2
2002	8	1
2003	4	—
2004	7	1
2005	8	—
2006	4	—
2007	3	—
2008	5	1
2009	3	—
2010	4	—
2011	6	—
2012	4	—

Year	No. of meetings held	No. of reports presented
2013	2	1
2014	1	—
2015	2	—
2016	3	—
2017	2	—
2018	2	—
2019	3	—
2020 (till date)	1	—

### **Non-operation of the MPLAD Scheme for two years**

A decision has been taken by the Government not to operate the MPLAD Scheme for two years, that is, during FY 2020-21 and FY 2021-22, in its efforts to manage the challenges of COVID-19 and its adverse impact on society (*Circular No. E-4/2020-MPLADS(Pt II) dated 8<sup>th</sup> April, 2020*).

## **DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEES**

The need for ensuring greater accountability of the Government to the Parliament was being felt in India for a long time for which many proposals were put forth. One such proposal was to further strengthen the Committee System for making Parliamentary scrutiny more extensive and effective. Accordingly, three subject-based Committees namely, the Committee on Agriculture, Committee on Science and Technology and the Committee on Environment and Forests were created by the Lok Sabha in 1989. The Committees consisted of 22 members – 15 members from the Lok Sabha and 7 members from the Rajya Sabha – to be nominated by the respective Presiding Officers.

The success of these Committees heralded the beginning of another phase in our parliamentary system. On 17 August 1992, the General Purposes Committee of the Rajya Sabha considered a suggestion that three Parliamentary Committees on Human Resource Development, Industry and Labour might be constituted, on the lines of the three existing Parliamentary Committees on Agriculture, Science and Technology and Environment and Forests. The Committee on Rules also carefully considered this suggestion on 18 August 1992 and recommended that these three Standing Parliamentary Committees may be set up. The House adopted the fifth report of the Committee on 19 August 1992. Subsequently, the General Purposes Committee and the Committee on Rules together considered the entire matter

*de novo*. The subject was further discussed at a joint sitting of the Committees on Rules of the Rajya Sabha and the Lok Sabha, under the Chairmanship of the Chairman, Rajya Sabha, in March 1993. As a result of these deliberations, a decision was taken to set up seventeen Department-related Parliamentary Standing Committees (DRSCs) on various Ministries/ Departments of the Union Government.

In pursuance of the above decision, the Committee on Rules in its sixth Report recommended incorporation of the rules in the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) for the purpose. The report of the Committee was adopted by the House on 29 March 1993, with some amendments. The new rules (268-277) relating to DRSCs came into effect on 29 March 1993 itself, following a direction from the Chairman, Rajya Sabha in the matter. The seventeen Department-related Committees were inaugurated by the then Vice President and Chairman, Rajya Sabha, Shri K.R. Narayanan on 31 March 1993.

These Committees were constituted by the Chairman, Rajya Sabha and the Speaker, Lok Sabha for the first time on 8 April, 1993. Out of these 17, 16 Committees were under the overall direction and control of the Chairman, Rajya Sabha and 11 Committees under the control of the Speaker, Lok Sabha. Thereafter, on 20 July 2004, seven more Committees were added and subsequently the number of DRSCs increased from 17 to 24. All these 24 Committees along with the Ministries/ Departments of the Government under their jurisdiction are enumerated in the Third Schedule to the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha). Out of these 24 Committees,

eight Committees listed in Part-I of the Third Schedule come under the overall jurisdiction of the Chairman, Rajya Sabha, while the remaining 16 Committees listed in Part-II of the Third Schedule come under the control of Speaker, Lok Sabha. The Third Schedule is revised from time to time, depending upon the changes made in the Government of India (Allocation of Business) Rules, 1961, by the Chairman, Rajya Sabha, in consultation with the Speaker, Lok Sabha. [The latest version of the Third Schedule is reproduced at Annexure 'B']

The mandate of the DRSCs is to consider Demands for Grants, examine Bills, long-term national policies, etc. The main purpose, of course, is to undertake in-depth examination of the functioning of the Government and ensure the accountability of Government to Parliament.

It may, however, be remembered that parliamentary control in this context means influence, not direct control; advice, not command; criticism, not obstruction; scrutiny, not initiative; accountability, not prior approval. This, in brief, is the rationale of the Committee System. The Committees have functioned in a largely non-partisan manner and their deliberations and conclusions have been objective. This, in a large measure, accounts for the respect in which the Committee recommendations are held.

At the formal inauguration of the DRSCs on 31 March, 1993, the then Vice-President of India and the Chairman, Rajya Sabha, Shri K.R. Narayanan said that the purpose of these Committees would be:

“... to ensure the accountability of Government to Parliament through more detailed consideration of measures



in these Committees. The intention is not to weaken or criticise the administration but to strengthen it by investing it with more meaningful Parliamentary support.”

[The text of key note speech delivered by Shri K.R. Narayanan on 31 March, 1993 at Parliament House at Annexure ‘C’]

Before these Committees came into existence, Annual Budget of the Government of India was being discussed and approved every year by the entire House. Due to paucity of time, Demands for Grants of only a few Ministries/ Departments could be taken up by the House. Most part of the Budget every year was being ‘guillotined’ *i.e.* approved without any discussion thereon. It was inviting a lot of criticism from the media at large. The DRSCs, therefore, were empowered *inter alia* to discuss the Demands for Grants of the Ministries/Departments under them and make a report to the House. Houses of Parliament are adjourned for some period, after the Annual Budget has been presented, with a view to enable these Committees to consider Demands for Grants of the Ministries/ Departments under them. They present their reports to the Houses within a specified time—one separate report on the demands of each Ministry/ Department.

These reports are sent, thereafter, to the respective Ministries/ Departments for implementing the suggestions or recommendations of the Committee. The Departments/ Ministries have to submit an action taken note to the Committee and the Committee may submit an Action Taken Report containing the points on which it is not satisfied by the Government’s response.

Reports of the Committees are based on broad consensus. If a member does not agree on any aspect contained in the report, he may append a note of dissent to that effect. A Committee does not ordinarily consider matters which fall within the purview of any other Committee. Reports of the Department-related Standing Committees have persuasive value and are treated as considered advice. These Committees do not consider matters of day-to-day administration of the related Ministries/ Departments. [Rules relating to the Department-related Parliamentary Standing Committees are given at Annexure 'D']

*ANNEXURE 'A'*

**RULES APPLICABLE TO SELECT  
COMMITTEES ON BILLS**

The following rules in the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) relating to Select Committees on Bills also will be applicable to the Department-related Standing Committees:

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Constitution	72.	(1) The members of a Select Committee on a Bill shall be appointed by the Council when a motion that the Bill be referred to a Select Committee is made. (2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall ascertain whether a member proposed to be named by him is willing to serve on the Committee. (3) Casual vacancies in a Select Committee shall be filled by appointment on a motion made in the Council.
Chairman of Committee	73.	(1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee: Provided that where the Deputy

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Chairman is a member of the Committee, he shall be appointed Chairman of the Committee. (2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place. (3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum

74.

(1) In order to constitute a meeting of the Committee the quorum shall be one-third of the total number of members of the Committee. (2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day. (3) When the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Committee shall report the fact to the Council.

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Discharge of absent members	75	If a member is absent from two or more consecutive meetings of the Select Committee without the permission of the Chairman of the Committee, a motion may be moved in the Council for the discharge of such member from the Committee.
Members other than members of Committee may be present at a meeting	76.	Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee: Provided that a Minister may with the permission of the Chairman of the Committee address the Committee of which he may not be a member.
Casting vote of Chairman of Committee	77.	In the case of equality of votes on any matter the Chairman of the Committee or other person presiding shall have a second or casting vote.
Power to appoint Sub-committees	78.	A Select Committee may appoint a Sub-committee to examine any special points connected with the Bill. The order of reference to such Sub-committee shall clearly state the point or points for investigation. The report of the Sub-committee shall be considered by the whole Committee.

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Meetings 79. The Meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix: Provided that if the Chairman of the Committee is not readily available, the Secretary-General may, in consultation with the Minister whose Ministry is concerned with the Bill, fix the date and time of a meeting.

Sittings 80. A Select Committee may sit whilst the Council is sitting provided that on a division being called in the Council the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will, in his opinion, enable members to vote in the division.

Venue of sittings 81. No sitting of a Select Committee shall be held outside the precincts of the Parliament House: Provided that if in any case it is considered necessary to hold such a sitting outside the precincts of the Parliament House, the matter shall be referred to the Chairman whose decision shall be final.

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<p>Notice of amendments and procedure in Committee</p>	<p>82.</p>	<p>(1) If notice of proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved. (2) In other respects, the procedure in a Select Committee, shall as far as practicable, be the same as is followed in the Council during the consideration stage of Bill with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.</p>
<p>Notice of amendments by members other than members of Committee</p>	<p>83.</p>	<p>When a Bill has been referred to a Select Committee any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a Member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee.</p>

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Power to take  
evidence or  
call for papers,  
records or  
documents

84.

(1) A Select Committee shall have power to require the attendance of persons or the production of papers or records if such a course is considered necessary for the discharge of its duties: Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman whose decision shall be final: Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary- General and shall produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interest affected by the measure before them.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

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Procedure for  
examining  
witnesses

85.

The examination of witnesses before a Select Committee shall be conducted as follows:

(1) The Select Committee shall before a witness is called for examination decide the mode of procedure and the nature of question that may be put to the witness. (2) The Chairman of the Select Committee may first put to the witness such question or questions as he may consider necessary with reference to the subject matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule. (3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other questions. (4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee. (5) A verbatim record of proceedings of the Select Committee when a witness is summoned to give evidence shall be kept.

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Printing and  
Publication of  
evidence

86. (1) The evidence tendered before the Select Committee under Rule 85 may be made available to all members of the Select Committee. (2) The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the Table. (3) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until it has been laid on the Table: Provided that the Chairman may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

Power of  
Chairman to  
give  
directions

87. (1) The Chairman may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work. (2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may, if he thinks fit, refer the point to the Chairman whose decision shall be final.

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Power to make suggestions on procedure	88.	A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committees for the consideration of the Chairman who may make such variations in procedure as he may consider necessary.
Record of decisions	89.	A record of the decisions of a Select Committee shall be maintained and circulated to the members of the Committee under the direction of the Chairman of the Committee.
Reports	90.	(1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with Rule 79 to consider the Bill and shall make a report thereon within the time fixed by the Council: Provided that where the Council has not fixed any time for the presentation of the report, the report shall be deemed to be presented before the expiry of three months from the date on which the Council adopted the motion for reference of the Bill to the Select Committee:

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Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion. (2) Reports may be either preliminary or final. (3) The Select Committee shall in its report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place. (4) Where a Bill has been altered, the Select Committee may, if it thinks fit, include in its report the recommendation to the member-in-charge of the Bill that his next motion should be a motion for circulation, or where the Bill has already been circulated for re-circulation. (5) The report of the Select Committee shall be signed by the Chairman of the Committee on behalf of the Committee: Provided that in case the Chairman of the Committee is absent or is not readily available the Committee shall choose

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another member to sign the report on behalf of the Committee. (6) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report; so, however, a minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Committee nor cast aspersion on the Committee or Chairman of the Committee or any Member thereof. (7) (i) If in the opinion of the Chairman of the Committee, a minute of dissent contains words, phrases or expressions which are unparliamentary, irrelevant or otherwise inappro-priate, he may order such words, phrases or expressions to be expunged from the minute of dissent. (ii) Notwithstanding anything contained in (i) above, the Chairman shall have the power to order expunction in like circumstances or to review all decisions regarding expunction from minutes of dissent and his decision thereon shall be final.

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Presentation of report	91.	(1) The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee. (2) In presenting a report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.
Printing and Publication of reports	92.	The Secretary-General shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report and the Bill as reported by the Select Committee, shall be published in the Gazette.

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**DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEES**

**RAJYA SABHA**

**THIRD SCHEDULE**

(See Rule 268)

Allocation of Ministries/ Departments to various  
Department-Related Parliamentary  
Standing Committees

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<b>Sl. No.</b>	<b>Name of Committee</b>	<b>Ministries/ Departments</b>
<b>Part I</b>		
1	Committee on Commerce	1. Commerce 2. Promotion of Industry and International Trade.
2	Committee on Home Affairs	(1) Home Affairs (2) Development of North-Eastern Region
3	Committee on Human Resource Development	(1) Human Resource Development (2) Youth Affairs and Sports (3) Women and Child Development
4	Committee on Industry	(1) Heavy Industries and Public Enterprises

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<b>Sl. No.</b>	<b>Name of Committee</b>	<b>Ministries/Departments</b>
		(2) Micro, Small and Medium Enterprises
5	Committee on Science and Technology, Environment, Forests and Climate Change	(1) Science and Technology (2) Space (3) Earth Sciences (4) Atomic Energy (5) Environment, Forest and Climate Change
6	Committee on Transport, Tourism and Culture	(1) Civil Aviation (2) Road Transport and Highways (3) Shipping (4) Culture (5) Tourism
7	Committee on Health and Family Welfare	(1) Health and Family Welfare (2) Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH)
8	Committee on Personnel, Public Grievances, Law and Justice	(1) Law and Justice (2) Personnel, Public Grievances and Pensions
<b>Part II</b>		
9	Committee on Agriculture	(1) Agriculture and Farmers' Welfare (2) Food Processing Industries (3) Fisheries, Animal Husbandry and Dairying



<b>Sl. No.</b>	<b>Name of Committee</b>	<b>Ministries/Departments</b>
10	Committee on Information Technology	(1) Communications (2) Electronics and Information Technology (3) Information and Broadcasting
11	Committee on Defence	Defence
12	Committee on Energy	(1) New and Renewable Energy (2) Power
13	Committee on External Affairs	External Affairs
14	Committee on Finance	(1) Finance (2) Corporate Affairs (3) Planning (4) Statistics and Programme Implementation
15	Committee on Food, Consumer Affairs and Public Distribution	Consumer Affairs, Food and Public Distribution
16	Committee on Labour	(1) Labour and Employment (2) Textiles (3) Skill Development and Entrepreneurship
17	Committee on Petroleum and Natural Gas	Petroleum and Natural Gas
18	Committee on Railways	Railways
19	Committee on Urban Development	Housing and Urban Affairs

<b>Sl. No.</b>	<b>Name of Committee</b>	<b>Ministries/ Departments</b>
20	Committee on Water Resources	Jal Shakti
21	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22	Committee on Rural Development	(1) Rural Development (2) Panchayati Raj
23	Committee on Coal and Steel	(1) Coal (2) Mines (3) Steel
24	Committee on Social Justice and Empowerment	(1) Social Justice and Empowerment (2) Tribal Affairs (3) Minority Affairs

**THE KEY-NOTE SPEECH DELIVERED BY  
SHRI K.R. NARAYANAN, HON'BLE CHAIRMAN,  
RAJYA SABHA ON 31 MARCH, 1993  
WHILE INAUGURATING THE  
COMMITTEE SYSTEM  
IN PARLIAMENT**

Hon'ble Prime Minister, hon'ble Speaker, hon'ble Minister for Parliamentary Affairs and hon'ble Members of Parliament:

We are today entering a new phase in the evolution of our parliamentary system. I do not believe that in human institutions there can be anything like an end of history. This Parliament itself has been evolving over the years and it is important that even though the Committee System has been known to other Parliaments for a considerable time now, we are not adopting it in an imitative way but because through our own experience, we have found that it is needed for the functioning of our own system.

The Committee System is an old idea whose time has come today. In recent times I recall that previous Speakers Shri Bal Ram Jakhar and Shri Rabi Ray had tried to give a fillip to this idea of establishing this Committee System in our Parliament. But today our hon'ble Speaker, Shri Shivraj Patil, has taken a bold initiative and worked hard in order to bring this idea into a reality. He had used his considerable persuasive power in order to overcome obstacles in the way

of the establishment of the system and I want to congratulate him today for his achievement. This is a historic step in which the Government headed by the Prime Minister has played an important role.

I recollect that at the Conference of the Presiding Officers of Parliament and Legislative Bodies in India, held last September in the Central Hall he said that he would like the Committee System to be introduced as early as possible and he believed that we would be able to make a success of the system. The Ministry of Parliamentary Affairs and the Ministers of State in the Ministry of Parliamentary Affairs in both Houses have worked hard and contributed to the realisation of this new system. I should also like to thank and congratulate the Members of the Rules Committees of both Houses who helped us in sorting out many problems involved in the introduction of the system and enabled us to find a consensus in regard to this matter.

We have had the experience of the U.K. House of Commons which started this system in 1979 as Department-related Select Committees. The unanimous opinion in U.K. is that the Select Committees since 1979, have increased the flow of information coming out of Whitehall and this has resulted to some extent in debates being better informed both inside and outside Parliament.

The system, apart from dealing with the basic or ordinary issues, will tone up the functioning of Parliament. One of the important impacts of this system, has been the general toning up of debates and efficiency of functioning of Parliamentary System. We have had in our own country this system, operating in some of our State Legislatures. Kerala

has had this system functioning for some time now and it has been found a success. One difference in the system being followed in the State of Kerala is where Ministers normally preside over what they call the Subject Committees and the Committees have the power to investigate into issues and complaints also.

The main function of our Committees would be in-depth examination of the functioning of the Government, consideration of Demands for Grants, Bills, long-term national policies, etc. The main purpose, of course, is to ensure the accountability of Government to Parliament through more detailed consideration of measures in these Committees. The intention is not to weaken or criticise the administration but to strengthen it by investing it with more meaningful Parliamentary support.

I feel that the Committees in their functioning should not be inquisitorial nor should the Government side evasive in its approach. Even though tremendous, lot of work can be done in these Committees, it is admitted that they cannot be a substitute for full-fledged debates in Parliament on issues, on Demands, on legislations and other matters. The Committees are only a mechanism. We have to instil them with life. And for this, not only full and intelligent participation of Members is required but, I think, there should be powerful support by the Secretariat. The Secretariats of both Houses have already contributed, as the Hon'ble Speaker has mentioned, in the formation of these Committees themselves. Without the help of knowledgeable, objective officials neither the Parliament as a whole nor the Committee System can work effectively.

I also feel that apart from the secretarial and research assistance to be given to the Committees, we should have for the whole of Parliament, indeed for every Member of Parliament, research and secretarial assistance made available. I know that it may be an expensive proposition but we all know that since Independence our general bureaucracy has been proliferating according to the Law of Parkinson. And in such a situation, it may not be impossible for us to ensure that Members of Parliament are given at least the minimum of research and secretarial assistance so that they can fulfil the mandate of the people efficiently and effectively. I have found that in the United States, there is an institution called the Congressional Aides and every Senator and Congressman has at his disposal a staff for research, not only for research but for general advice, and these aides are something between a civil servant and a politician, and mostly young people. And they not only help the Congressmen and Senators but eventually a few of them emerge as the Congressmen themselves out of the experience they get by assisting them. We have a large pool of educated young people from whom I think we can draw upon for this kind of assistance.

I want to add something more about the role of the officials. Under the British System, according to one of the great experts on Parliamentary Government, K.C. Wheare, one of the most valuable things is: The association of 'special' and 'non-special minds'-the phrase is actually that of Bagehot. It is from the cooperation in the work of the Committee between members and officials, to quote Wheare again, that there comes out: 'Unity out of plurality, direction out of confusion, decision out of discussion'. This is the result of the dynamic impact of officials on the Committees, in the

system which has been working in several countries and which we are now embarking upon to work.

Several witticisms have been uttered about the Committee System generally. In Britain, somebody said, 'A Committee is a body of people which keeps minutes and wastes hours.' There is another definition that, 'They are a group of people who are individually determined that something must be done but collectively decide that nothing can be done.' I do hope that this Committee System would function more meaningfully.

Parliament in India has been an adapted institution but has developed in a very original way. And we have made our Parliamentary system to undertake new functions which Parliaments in advanced countries have never attempted. We have made it to serve the purpose of basic development of our economy and society. We have used it as a unifying instrument in a very diverse society. And often, we have found that the system has a therapeutic effect in dealing with the occasional general madness in society, and in bringing about out of it a minimum of sanity. For these purposes our Parliament has functioned in a creative and original way. And I think, by establishing these Committees, we are adding a new dimension to it.

While inaugurating this new system I want to wish the Committee System every success in enriching our Parliamentary system and our democracy.

Thank you very much.

**Rules Relating to the Department-related  
Standing Committees**

Department-related Standing Committees	268	<p>(1) There shall be Parliamentary Standing Committees of the Houses (to be called the Standing Committees) related to Ministries/ Departments.</p> <p>(2) Each of the Standing Committees shall be related to the Ministries/Departments as specified in the Third Schedule:</p> <p>Provided that the Chairman and the Speaker, Lok Sabha (here in after referred to as the Speaker), may alter the said Schedule from time to time in consultation with each other.</p>
Constitution	269	<p>(1) Each of the Standing Committees constituted under Rule 268 shall consist of not more than 31 members. 10 members nominated by the Chairman from amongst the members of the Council, and 21 members nominated by the Speaker from amongst the members of the House:</p>



Provided that a member appointed as a Minister shall not be nominated as, or continue as a member of any Committee.

(2) The Chairman of each of the Committees specified in Part-I of the Third Schedule shall be appointed by the Chairman of the Council from amongst members of the respective Committees, and the Chairman of each of the Committees specified in Part-II of the said Schedule shall correspondingly be appointed by the Speaker.

(3) A member of a Committee shall hold office for a term not exceeding one year.

Functions	270	Each of the Standing Committees shall have the following functions namely:  (a) to consider the Demands for Grants of the related Ministries/ Departments and report thereon. The report shall not suggest anything of the nature of cut motions;  (b) to examine Bills, pertaining to the related Ministries/ Departments, referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon;
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(c) to consider the annual reports of the Ministries/ Departments and report thereon; and

(d) consider national basic long term policy documents presented to the Houses, if referred to the Committee by the Chairman or the Speaker, as the case may be, and report thereon:

Provided that the Standing Committees shall not consider matters of day-to-day administration of the related Ministries/ Departments.

Applicability of provisions relating to functions 271

Each of the functions of the Standing Committees as provided in Rule 270 shall be applicable to the Committees from such date as may be notified by the Chairman and the Speaker in respect of applicability of a particular function.

Procedure relating to Demands for Grants 272

The following procedure shall be followed by each of the Standing Committees in its consideration of the Demands for Grants and making a report thereon to the Houses, after the general discussion on the Budget in the Houses is over, and the Houses are adjourned for a fixed period:

(a) the Committee shall consider the Demands for Grants of the related Ministries during the aforesaid period;

(b) the Committee shall make its report within the specified period; and

(c) there shall be a separate report on the Demands for Grants of each Ministry.

Procedure relating to Bills

273

The following procedure shall be followed by each of the Standing Committees in examining a Bill and making a report thereon:

(a) the Committee shall examine only such Bills introduced in either of the Houses as are referred to it by the Chairman or the Speaker, as the case may be; and the Committee shall consider the general principles and clauses of such Bills and shall make report thereon within such time as may be specified by the Chairman or the Speaker, as the case may be.

Report of the Committee

274

(1) The report of the Standing Committee shall be based on broad consensus.

		(2) Any member of the Committee may record a minute of dissent on the report of the Committee.(3) The report of the Committee, together with the minutes of dissent, if any, shall be presented to the Houses.
Applicability of rules relating to Select Committees on Bills	275	In other respects the rules applicable to Select Committees on Bills in the Council shall apply <i>mutatis mutandis</i> to the Standing Committees specified in Part-I ( <i>See Annexure</i> ) of the Third Schedule and the general rules applicable to other Parliamentary Committees in the House shall apply to Standing Committees specified in Part-II of the said Schedule.
Matters not to be considered	276	A Standing Committee shall not ordinarily consider matters within the purview of any other Parliamentary Committee.
Reports to have persuasive value	277	The report of a Standing Committee shall have persuasive value and shall be treated a considered advice given by the Committee.