

# MOTIONS AND RESOLUTIONS IN PARLIAMENT



LOK SABHA SECRETARIAT  
NEW DELHI

2014

MOTIONS AND RESOLUTIONS  
IN PARLIAMENT



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April, 2014

L.B. (I) No. 108

*Price:* ₹ 60.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and printed by the General Manager, Government of India Press, Minto Road, New Delhi-110 002.

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## **PREFACE**

Parliament is the apex deliberative body to discuss issues of national and international importance. Since time at its disposal is scarce and precious, a proper procedure is to be followed for raising and discussing issues in an orderly manner. Motion is one of the important Parliamentary devices through which members can raise matters of urgent public importance. Experience has shown that motions moved in the House not only help in eliciting viewpoint of the Government on the issues raised but also make the Government to act cautiously and in accordance with the views expressed by most of the members. Motions are, thus, the very basis of parliamentary proceedings where matters of public importance are being deliberated. Resolution is yet another procedural device for ascertaining the will of the House on matters of general public interest.

This brochure is intended to serve as a handy guide for ready reference and to give a clear view of both Motions and Resolutions. The information contained here is based on the Rules of Procedure and Conduct of Business in Lok Sabha, Directions issued by the Speaker and the established practices and conventions. The information, however, is not exhaustive. For full and authentic information, only the original source may be referred to and relied upon.

NEW DELHI;  
*April, 2014*  

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*Vaisakha, 1936 (Saka)*

P. SREEDHARAN,  
*Secretary-General.*

## I. MOTIONS

### Introduction

The term 'motion' in its wide sense means any proposal made for the purpose of eliciting a decision of the House. In order to ascertain the will of the House in regard to a matter before it, every question to be decided by the House must be proposed by a member in the form of a motion. Every matter is determined in the House by means of a question put from the Chair on motion made by a member and resolved in the affirmative or negative, as the case may be. The question should repeat the terms of the motion and should be so framed as to be capable of expressing a decision of the House.

Motions are, in fact the basis of all Parliamentary proceedings. Any matter of importance/public interest can be the subject-matter of a motion.

Discussion on a motion is initiated by the mover of the motion, and later, unless he withdraws it, the House either adopts in *in toto* or with such amendments as it may like to make or it may reject it altogether. The mover of a motion frames it in a form in which he/she wishes it ultimately to be passed by the House and on which the vote of the House can conveniently be taken. The members who wish the motion to be passed in a different form may move amendments after the original motion has been proposed by the Speaker. These amendments too should be in the form in which the motion as amended can be passed by the House and must, therefore, be relevant to the subject matter of the main motion.

2. However, there are certain motions which *per se* are not put to vote of the House. Rule 342 of the Rules of Procedure and Conduct of Business in Lok Sabha which governs such type of motions *inter-alia* provides that 'a motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in substitution of the original motion in appropriate terms to be approved by the Speaker and vote of the House shall be taken on such motion'.

### Types of Motions

3. Motions can be classified under the following categories, namely:—

- (i) Substantive Motions;
- (ii) Substitute Motions; and
- (iii) Subsidiary Motions.

**(i) Substantive Motions.**—A substantive motion is a self-contained, independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House, *e.g. all resolutions are substantive motions.*

Example of a substantive motion is:—

"That this House express its Confidence in the Council of Ministers."

**(ii) Substitute Motions.**—Motions moved in substitution of the original motion for taking into consideration a policy or situation or statement or any other matter are called substitute motions. Such motions, though drafted in such a way as to be capable of expressing an opinion by themselves are not, strictly speaking, substantive motions in as much as they depend upon the original motion.

After the original motion that the policy or situation, *etc.* be taken into consideration has been placed before the House and the mover of the motion has concluded the speech, the House proceeds to discuss the matter. No further question is put thereon on conclusion of the debate. However, before the discussion commences, a member can move a substitute motion which, while conforming to the subject matter of the original motion, is so drawn up as to express an opinion of the House. The substitute motion, being in the nature of an amendment to the original motion, is also placed before the House and is discussed along with the original motion. Amendments to substitute motions are not permissible. At the end of the debate, the substitute motion only is put to the vote of the House.

Examples of substitute motions are given below:—

During first session, Tenth Lok Sabha, a Government motion namely '**That this House do consider the present international situation**' given notice of by Shri Eduardo Faleiro, Minister of State for External Affairs was admitted and listed for discussion in the House on 18 September, 1991.

The following substitute motions given notices of by the members to the original motion were admitted:—

**Shri Jaswant Singh**

- (1) "This House, having considered the present international situation, do find the conduct of foreign policy by the Government of India as unsatisfactory, particularly in respect of:—
  - (a) meeting the challenge of rapidly transforming international scene;
  - (b) ineffective response to events preceding and following the Gulf War;
  - (c) response to the coup in USSR and its subsequent overturning by the democratic forces in that country; and
  - (d) inability to counter Pakistan's interference in our internal affairs."

**Shri Chandrajit Yadav**

- (2) "This House, having considered the present international situation, expresses its dismay that the conduct of our external affairs has not been upto the mark particularly in respect of:—
  - (a) India's diminishing role as a front nation in the non-aligned movement;
  - (b) its timely responses to fast happenings in different parts of the world; and
  - (c) failure to meet effectively anti-India propaganda by Pakistan."

**Shri E. Ahmed**

- (3) "This House, having considered the present international situation, recommends to Government to take immediate necessary steps to realise adequate compensation to those Indian nationals who had to flee to India from Kuwait and Iraq in the face of Gulf War."

However, after Minister had replied to the discussion, the members withdrew their substitute motions by leave of the House.

**(iii) Subsidiary Motions.**—They depend upon or relate to other motion or follow upon some proceedings in the House. They by themselves have no meaning and are not capable of stating the decision of the House without reference to the original motion or proceedings of the House.

Subsidiary motions can be further divided into:—

- (1) Ancillary Motions;
- (2) Superseding Motions; and
- (3) Amendments.

**(1) Ancillary Motions.**—These are motions which are recognised by the practice of the House as the regular way of proceedings with various kinds of business. Examples of ancillary motions are:—

- (a) That the Bill be taken into consideration.
- (b) That the Bill be passed.

**(2) Superseding Motions.**—These are motions which, though independent in form, are moved in the course of debate on another question and seek to supersede that question. In this class fall all motions of dilatory character. The following are superseding motions in relation to the motion for taking into consideration a Bill:—

- (a) That the Bill be re-committed to a Select Committee.
- (b) That the Bill be re-committed to a Joint Committee of the Houses.
- (c) That the Bill be circulated for eliciting further opinion thereon.
- (d) That consideration of the Bill or the debate on the Bill be adjourned *sine-die* or to some future date.

Where the Speaker is of the opinion that the superseding motion is of a dilatory character inasmuch as no unforeseen or new circumstance has arisen to warrant recirculation or recommitment of the Bill, the Speaker is empowered to put the question upon it forthwith or even decline to propose the question. However, when a superseding motion is moved and the Speaker does not hold it to be dilatory, the motion is proposed as a new question superseding the original question and has to be disposed of before the debate upon the original question can be resumed. But the debate upon such a motion must be strictly relevant to the reasons in support of the motion.

**(3) Amendments.**—These are subsidiary motions which interpose a new process of question and decision between the main question and its decision. Amendments may



be to the clauses of a Bill, to a resolution or to a motion, or to an amendment to a clause of a Bill, resolution or motion.

### **Notice of Motion**

4. The notice of a motion is given in writing addressed to the Secretary-General. Notices of motions can be given from the date following the date of issue of summons for a session. In order to ensure that members who are not in Delhi are not at a disadvantage in regard to tabling of notices of motion, *inter se* priority of notices on the same subject received within a specified period after the date of issue of summons is determined by ballot. The priority of notices received thereafter is determined according to the date and time of receipt.

If the time gap between the issue of summons and the commencement of the session is more than 21 days, notices under rule 184 on the same subject received within seven days after issue of summons for a session are deemed to have been received on the seventh day after the date of issue of summons for that session and their respective *inter se* priority is determined on the basis of ballot. In case the time gap is 21 days or less, *inter se* priority continues to be determined with reference to the date and time of receipt of the notices.

### **Admissibility of Motions**

5. The admissibility of a motion or part thereof is decided by the Speaker. A motion may be disallowed by the Speaker if in his/her opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affects the procedure of the House or is in contravention of the rules. The Speaker has the inherent power to rule out a motion at any time before it is voted upon on the ground that it involves an abuse of the forms and procedure of the House.

6. A motion to be admissible must satisfy the following conditions:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (ix) if it contains a statement the member shall make himself responsible for the accuracy of the statement;

- (x) it shall not seek discussion on a paper or document laid on the Table by a private member;
- (xi) it shall not ordinarily relate to matters which are under consideration of a Parliamentary Committee;
- (xii) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (xiii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (xiv) it shall not raise a matter under the control of bodies or persons not primarily responsible to the Government of India;
- (xv) it shall not relate to a matter with which a Minister is not officially concerned;
- (xvi) it shall not refer discourteously to a friendly foreign country;
- (xvii) it shall not refer to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the President in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and
- (xviii) it shall not relate to a trivial matter. (Rule 186)

#### **Forms of Motions**

7. No particular form has been prescribed for a motion for raising discussion on a matter of general public interest. It may be in the form of a declaration of opinion or a recommendation; or it may be in a form so as to record approval or disapproval by the House of an act or policy of Government or express concern or commend, urge or request an action or take note of a document or to consider a policy, statement or situation.

Following are some of the typical motions which are generally admitted and notified in Bulletin Part-II of Lok Sabha:—

- (i) That this House *do recommend to the Government* that the 'Right to Work' be included in the Constitution as a Fundamental Right;
- (ii) That this House *expresses its deep concern* over the growing unemployment in the country and urges upon the Government to formulate a comprehensive plan to solve the problem and also to give 'unemployment allowance' to all unemployed youth registered with Employment Exchanges in the country till they get gainful employment;
- (iii) That this House *do consider the serious situation* arising out of the spread of AIDS disease in the country which is taking heavy toll of human lives;
- (iv) That this House *urges upon the Government* to evolve a new National Wage Policy;
- (v) That this House *do consider* the present international situation and the policy of the Government of India in relation thereto.

8. However, motions for raising discussions on matters of general public interest are usually tabled in two forms. Under the first form, the House 'takes note' of a document laid on the Table while under the second, the position regarding a specific matter is 'taken into consideration' by the House.

9. The first form is generally used when a motion seeks to discuss a report or a statement laid on the Table. The motion in this form is a non-committal substantive motion and is submitted to the vote to the House on conclusion of discussion. Amendments can also be moved thereto, approving or disapproving of the report etc.

### **Examples**

- (i) On 1 August, 1984, Fifteenth Session, Seventh Lok Sabha, Shri Pranab Mukherjee, Minister of Finance moved the following motion:—

"That this House takes note of the Report of the Eighth Finance Commission together with Memorandum showing action taken thereon, laid on the Table of the House on the 24th July, 1984."

Sarvashri Chitta Basu, Ajit Kumar Mehta, Virdhi Chander Jain and Smt. Geeta Mukherjee moved amendments to the above motion.

After the Minister replied to the debate, the amendments moved by the members were put to the vote of the House and negatived. The motion moved by the Minister was adopted.

- (ii) On 23 December, 2005, Sixth Session, Fourteenth Lok Sabha, Shri Pranab Mukherjee, Leader of the House and Minister of Defence moved the following motion:—

"That this House having taken note of the Report of the Committee to inquire into the allegations of improper conduct on the part of some members, constituted on 12 December, 2005 accepts the findings of the Committee that the conduct of the ten members of Lok Sabha, namely, Shri Narendra Kumar Kushawaha, Shri Annasaheb M.K. Patil, Shri Manoj Kumar, Shri Y.G. Mahajan, Shri Pradeep Gandhi, Shri Suresh Chandel, Shri Ramsevak Singh, Shri Lal Chandra Kol, Shri Rajaram Pal and Shri Chandra Pratap Singh was unethical and unbecoming of members of Parliament and their continuance as members of Lok Sabha is untenable and resolves that they may be expelled from the membership of Lok Sabha."

Prof. Vijay Kumar Malhotra moved an amendment to the above motion.

After Shri Pranab Mukherjee replied to the debate, the amendment moved by the member was put to the vote of the House and negatived. The motion moved by the Leader of the House and Minister of Defence was adopted.

- (iii) On 20 March, 2006, Seventh Session, Fourteenth Lok Sabha, Shri Pranab Mukherjee, Leader of the House and Minister of Defence moved the following motion:—

"That this House having taken note of the Report of the Committee to inquire into the allegations of improper conduct on the part of some members, in the matter of implementation of MPLAD Scheme, laid on the Table of the House

on 14 March, 2006, reprimands Sarvashri Alemao Churchill, Paras Nath Yadav, Faggan Singh Kulaste and Ram Swaroop Koli, MPs and resolves that:—

- (a) The period of absence from the sittings of the House and the Committees of the said four members on a request made by Speaker, Lok Sabha on 20 December, 2005, may be deemed to be their suspension from the membership of the House till date; and
- (b) the suspension of the said four members from the membership of the House may continue till 22 March, 2006.”

Sarvashri Santosh Gangwar and Varkala Radhakrishnan made submissions. Thereafter, Hon’ble Speaker made an observation. The motion moved by the Leader of the House and Minister of Defence was adopted.

- (iv) On 23 May, 2006, Seventh Session, Fourteenth Lok Sabha, Shri Pranab Mukherjee, Leader of the House and Minister of Defence moved the following motion:—

“That this House having taken note of the Third Report of the Committee of Privileges, laid on the Table of the House on 19 May, 2006, agrees with the findings and conclusions of the Committee and resolves that Dr. Subhash C. Kashyap, former Secretary-General, Lok Sabha has committed a gross breach of privilege and contempt of the House by imputing motives to the Speaker, Lok Sabha in discharge of his duties and casting reflections on his impartiality and admonishes him for his grave misconduct.”

The motion was adopted.

- (v) On 30 August, 2007, Eleventh Session, Fourteenth Lok Sabha, Shri Pranab Mukherjee, Leader of the House and Minister of Defence moved the following motion:—

“That this House while agreeing with the findings, conclusion and recommendations of the Committee to Inquire into Misconduct of Members of Lok Sabha, in their first Report, laid on the Table of the House on 23 August, 2007, reprimands Shri Rajesh Kumar Manjhi for his misconduct and for having committed contempt of the Committee as well as the House and resolves that:

- (i) Shri Rajesh Kumar Manjhi may be suspended from the membership of the House for thirty sittings of the House; and
- (ii) He may be restrained from taking his spouse or companion on official tours till the conclusion of the Fourteenth Lok Sabha.”

The motion was adopted.

- (vi) On 21 October, 2008, Fourteenth Session, Fourteenth Lok Sabha, Shri Pranab Mukherjee, Leader of the House moved the following motion:—

“That this House having taken note of the third Report of the Committee to inquire into Misconduct of Members of Lok Sabha accepts the findings of the Committee that Shri Babubhai K. Katara has committed an act of grave

misconduct which has brought disrepute to and maligned the image of the entire fraternity of legislators and resolves that he may be expelled from the membership of the Fourteenth Lok Sabha.”

The motion was adopted.

- (vii) On 30 November, 2012, Twelfth Session, Fifteenth Lok Sabha, Smt. Sushma Swaraj, Leader of Opposition moved the following motion:—

“That this House recommends to the Government to immediately withdraw its decision to allow 51% FDI in multi-brand retail trade.”

The following two Motions for Modification of Notification [G.S.R. 795(E) dated 19 Oct., 2012] issued under Foreign Exchange Management Act, 1999 and laid on Table of Lok Sabha on 30 Nov., 2012, were also moved by Prof. Saugata Roy and Shri Hassan Khan respectively:—

- (a) “That this House resolves that in pursuance of section 48 of the Foreign Exchange Management Act, 1999, the Notification [G.S.R. 795(E) dated the 19th October, 2012] laid on the Table of Lok Sabha on the 30th November, 2012 be modified as follows:—

In Schedule 8,—

- (i) in Annex A, after item (h), the following item shall be added, namely:—

“(i) Multi Brand Retail Trading.”; and

- (ii) in Annex B, the portion beginning with

“	16.5	Multi Brand Retail Trading	51%	Government	”
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and ending with “(x) Applications would be processed in the Department of Industrial Policy & Promotion, to determine whether the proposed investment satisfies the notified guidelines, before being considered by the FIPB for Government approval.” shall be omitted.

That this House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution.”; and

- (b) “That this House resolves that in pursuance of section 48 of the Foreign Exchange Management Act, 1999, the Notification [G.S.R.795(E) dated the 19th October, 2012] laid on the Table of Lok Sabha on the 30th November, 2012 be modified as follows:—

In Schedule 8, in Annex B, the portion beginning with

“	16.5	Multi Brand Retail Trading	51%	Government	”
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and ending with “(x) Applications would be processed in the Department of Industrial Policy and Promotion, to determine whether the proposed investment satisfies the notified guidelines, before being considered by the FIPB for Government approval.” shall be omitted.

That this House recommends to Rajya Sabha that Rajya Sabha do concur in this resolution.”.

Motion under r. 184 and Motions for Modification were discussed together.

Motion under rule 184 and Motion for Modification moved by Prof. Roy were negatived. Motion moved by Shri Hassan Khan was not put to vote since text of his motion was covered by motion of Prof. Roy on which House had already given its decision.

10. The second form of motion is generally used when a policy or situation or statement or any other matter is to be taken into consideration. The motion in this form is not submitted to the vote of the House and at close of the debate no question is put. However, if a member has tabled a substantive motion in substitution of the original motion and the same has been duly admitted by the Speaker, the vote of the House is taken thereon.

#### **Example**

- (i) On 10 August, 1971, Second Session, Fifth Lok Sabha, Sardar Swaran Singh moved the following motion:—

“That the statement made by the Minister of External Affairs in the Lok Sabha on the 9th August, 1971, regarding the Treaty of Peace, Friendship and Cooperation between the Republic of India and the Union of Soviet Socialist Republic, be taken into consideration.”

Sardar Swaran Singh replied to the debate.

- (ii) On 15 December, 1977, Third Session, Sixth Lok Sabha, Prof. Samar Guha moved the following motion:—

“That this House do consider the statement made by the Prime Minister in the House on the 14th November, 1977 regarding the Agreement between the Government of the Republic of India and the Government of the People’s Republic of Bangladesh on sharing of the Ganga Waters at Farakka and on augmenting its flow.”

Two substitute motions in substitution of the original motion were moved by Sarvashri Chitta Basu and Saugata Roy.

Prof. Samar Guha replied to the debate.

The substitute motions moved were withdrawn by leave of the House.

- (iii) On 6 April, 1987, Eighth Session, Eighth Lok Sabha, Shri Somnath Chatterjee, M.P. moved the following motion:—

“That this House do consider the statement made by the Prime Minister in the House on the 3rd April, 1987 regarding appointment of a sitting judge of

the Supreme Court to enquire into the issues connected with the question of utilising the Fairfax group of the United States of America.”

Shri Bhattam Sriramamurthy, M.P., moved a motion in substitution of the original motion. After the mover (Shri Somnath Chatterjee) replied to the debate, the substitute motion was put to the vote of the House and negatived.

#### **No-Day-Yet-Named Motions**

11. If the Speaker admits a notice of a motion and no day is fixed for its discussion, it is called a ‘**No-Day-Yet-Named Motion**’. All such admitted motions are notified in Bulletin Part-II and are placed from time to time before the Business Advisory Committee which selects the motions according to the urgency and importance of the subject matter thereof and recommends time for discussion of the same.

## **II. RESOLUTIONS**

### **Introduction**

12. According to Erskine May, every question when agreed to, becomes either an order or a resolution of the House. One or the other of these terms is applied in the records of the House to every motion which has been agreed to and the application of the term is carefully regulated with reference to the content of the motion. By its orders, the House directs its Committees, its members, its officers, the order of its own proceedings and the acts of all persons whom they concern; by its resolutions, the House declares its own opinions and purposes.

13. A resolution is one of the procedural devices to raise a discussion in the House on a matter of general public interest. Subject to the provisions of the rules, a member or a Minister may move a resolution.

A resolution for being admissible should satisfy the following conditions:—

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity; and
- (v) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India. [Rule 173]

### **Forms of Resolutions**

14. A resolution may be in the form of a declaration of opinion, or a recommendation, or may be in a form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message or commend, urge or request an action or call attention to a matter or situation for consideration by Government or in such other forms as the Speaker may consider appropriate. A resolution must purport to convey the opinion of the House as a whole and not only of a section thereof. Moreover, the subject matter of a resolution should relate to a matter of general public interest and only those matters which are primarily the concern of the Government of India can form the subject matter of a resolution. [Rules 171 & 172]. The following examples from Lok Sabha proceedings will illustrate the general forms and the varied subjects that are dealt within such resolutions:—

- (i) On 28 August, 1981, Shri Ram Swaroop Ram moved the following resolution:—  
"Considering that even 34 years after Independence, a lot of a majority of the Scheduled Castes and Scheduled Tribes persons have not improved economically and socially, this House recommends to the Government to draw up plans to provide job guarantee to the educated youths of those communities within next 5 years."



The Resolution was withdrawn by leave of the House on 11 September, 1981.

(ii) On 23 April, 1982, Smt. Vidya Chennupati moved the following resolution:—

"Keeping in view the secular character of our Constitution and the fact that secularism is one of the basic tenets of our State Policy, this House recommends to the Government to take immediate steps to:—

- (a) promote a sense of castelessness through inter-caste and inter-religion marriages;
- (b) prepare suitable text books to propagate secular ideas by laying emphasis on fundamental duties enshrined in the Constitution;
- (c) encourage secular outlook among the employees working in Government and Public Sector Undertakings;

So that a feeling of national brotherhood and of human dignity is promoted among the people.

The Resolution was withdrawn by leave of the House on 30 July, 1982.

(iii) On 31 March, 1983, Shri Amal Datta moved the following resolution:—

"This House is of the opinion that the emerging pattern of different linguistic and ethnic groups as distinctive political entities in the body politic of our country necessitates restructuring of financial and other relations between the Centre and the States and therefore, resolves that the relevant provisions of the Constitution be amended suitably."

The resolution was negatived on 19 August, 1983.

### **Types of Resolution**

15. Resolutions may be classified as:—

- (i) Private Members' Resolutions,
- (ii) Government Resolutions, and
- (iii) Statutory Resolutions.

#### **(i) Private Members' Resolutions**

Resolutions which are move by private members are termed as Private Members' Resolutions.

16. A member who desires to move a resolution has, in the first instance, only to give written intimation to that effect at least two days before the date of ballot. The names of members from whom such intimations are received are balloted.

17. A separate ballot is held for each day allotted to Private Members' Resolutions. The schedule for holding the ballot is published in Bulletin Part-II before the commencement of a session. Members who secure first three places in the ballot are requested to give notice of one resolution each within two days from the date of ballot. Those resolutions, if admitted by the Speaker are included in the list of business in the order determined by the ballot.

18. A copy each of the admitted resolutions is forwarded to the Ministry concerned. At least two days before the resolutions are to be taken up for discussion, a list of business containing all the admitted resolutions for a particular day is issued to all the members, etc.

A resolution which remains part-discussed on a day allotted for resolutions will be the first item in the list of business for the next day allotted for resolutions. [Rule 29]

19. On the day allotted for resolutions when called upon by the Chair, the member in whose name a resolution stands in the list of business, moves the resolution and makes a speech thereon. After other members have spoken on the resolution and the Minister concerned has intervened, the member-in-charge of the resolution may speak again by way of reply. The member may either withdraw the resolution or insist that it be put to vote. In case a resolution is adopted by the House, a copy of the same is forwarded to the Minister concerned. [Rule 183]. So far, 33 private members' resolutions have been adopted in the Lok Sabha.

20. After a resolution has been moved, any member may move an amendment to the resolution. The notice of an amendment should be given one day previous to the day on which the resolution is listed for discussion and all admitted amendments are made available to the members.

21. When a resolution has been negatived by the House, no resolution or amendment raising substantially the same question shall be moved within one year from the date of moving the earlier resolution. However, when a resolution has been withdrawn by the leave of the House, no resolution raising substantially the same question shall be moved during the same session. [Rule 182]

22. The time for discussion of a resolution is allotted by the Committee on Private Members' Bills and Resolutions. Usually, two hours are allotted in the first instance. Sometimes discussion on a particular resolution continues for a longer period and as a result thereof the resolution, which has secured first place in the subsequent ballot, is not taken up for discussion. In case the time allotted for discussion of a part-discussed resolution entered in the list of business for a day is increased and as a result thereof the resolution which has secured first place in the ballot is not moved on the day, the said resolution shall be set down as the first item for the next day allotted during the same session for resolutions after a part-discussed resolution, if any [Dir. 9A].

A resolution (except that protected under Dir. 9A), which is not taken up for discussion on a particular day, will lapse.

23. A Private Member's Resolution, when adopted is not binding. It is up to the Government to implement the provisions contained in the resolution which had been adopted by the House. There have been a few instances when Government took action on the basis of resolutions which were adopted.

### (ii) Government Resolutions

24. Though no period of notice has been prescribed for Government resolutions, in actual practice, Ministers give notice of their resolutions several days in advance of the date on which the item is proposed to be included in the list of business. After the notice of a resolution given by a Minister has been admitted by the Speaker, it is published in the Bulletin. Time for discussion of a Government resolution is allotted by the House on the recommendation of the Business Advisory Committee. The resolution may be moved by the Minister-in-charge or, in his/her absence, by any other Minister on his/her behalf.

25. The four broad categories under which Government resolutions may be classified are:—

- (a) *Resolutions approving international treaties, conventions or agreements to which the Government is a party:* Such type of resolutions are occasionally tabled by Ministers seeking approval of Lok Sabha to a convention or its recommendation, or for ratification of a convention or agreement by the Government of India.

#### Example

- (i) “This House approves the Convention for the protection of cultural property in the event of armed conflict, as passed at the Hague, on the 14th May, 1954, and signed by the representatives of the Government of India and of the Governments of certain other countries, and is of the opinion that the said Convention should be ratified by the Government of India.”

#### **The Resolution was adopted on 10 September, 1957.**

- (ii) “This House approves the Universal Copyright Convention and Protocols thereto as adopted at Geneva, on the 6th September, 1952, and recommends that the said Convention and Protocols should be ratified by the Government of India.”

#### **The Resolution was adopted on 11 September, 1957.**

- (b) *Resolutions declaring or approving certain policies of the Government:* A Government resolution may seek to record approval of the House to an act or policy of the Government. Resolution seeking approval of the House to the principles, objectives and programmes of development contained in the Five Year Plans of Government have, for instance, been brought before the House and adopted. Similarly, resolutions expressing reaction of the Government towards incidents in the international field have also been brought before the House and adopted.

#### Example

“This House approves the National Housing Policy laid on the 9th July, 1992.”

#### **The Resolution was adopted on 19 August, 1994.**

- (c) *Resolutions approving recommendations of certain Committees:* Sometimes resolutions are brought forward by the Government to take the approval of the House to the recommendations contained in the reports of certain Committees.

**Example**

"@That this House approves the recommendations contained in paras 45,46, 47, 48, 49, 50, 51 and 53 of the First Report of the Railway Convention Committee (2004) appointed to review the rate of dividend payable by the Railway Undertakings to General Revenues etc., which was presented to the Lok Sabha on 21.12.2004."

**The Resolution was adopted on 20 April, 2005.**

- (d) *Resolutions for approval of the proposal of the Government to reject the Award given by the Board of Arbitration:* A Government resolution may also seek the approval of the House for the proposal of the Government to reject the Award given by the Board of Arbitration.

**Example**

"That this House approves the proposal of the Government to reject the Award given on 21.2.83 by the Board of Arbitration in CA Reference No. 9(a) of 1980 in respect of reduction of working hours of the operative offices of the Department of Posts and Telecommunications in terms of Para 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration, as the implementation of the Award involves total expenditure of approx. Rs. 2250 crores upto 1999 and recurring expenditure of approx. Rs. 250 crores per annum thereafter for both the Departments which will adversely affect the national economy and will also have implication on similarly placed employees in other Central Government Department."

**The Resolution was discussed and adopted on 16 May, 2000.**

Besides the above four broad categories of Resolutions, there have also been occasions when resolutions were moved by the Government immediately after conclusion of debate under Rule 193.

**Example**

- (i) "This House unanimously resolves—
- (1) To condemn the inhumane policy of apartheid of the racist regime of South Africa;
  - (2) To denounce the attempts of the South African Authorities to divide the African, Asian and other people of South Africa struggling for their fundamental rights;
  - (3) To appeal to all the freedom loving forces of the world to remain united in the struggle against apartheid;
  - (4) To call upon Governments to impose effective and comprehensive mandatory sanctions against South Africa;
  - (5) To call for the unconditional release of the brave patriot Nelson Mandela and other freedom fighters;

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@ Discussed together with the Demands for Grants in respect of the Budget (Railways) for 2005-06.

- (6) To continue to extend all support to the freedom struggle of the people of South Africa and to espouse their cause in all relevant International forums;
- (7) To call upon the forthcoming NAM Ministerial meeting at LUANDA and the fortieth commemorative Session of the UN to redouble efforts to secure the liberation of the people of South Africa from the unmitigated crimes of apartheid; and
- (8) To call upon the people of Indian origin in South Africa to continue their struggle in solidarity with their African brethren in their common cause against apartheid."

The Resolution moved by Shri Khurshid Alam Khan, Minister of State in the Ministry of External Affairs after conclusion of discussion under rule 193 on 19 August, 1985 regarding the racial riots in South Africa affecting the people of Indian origin was unanimously adopted.

- (ii) "This House expresses its unequivocal condemnation of the heinous terrorist attacks in Mumbai by terrorist elements from Pakistan claiming hundreds of innocent lives and seeking to destroy the values that India stands for;

Notes that this outrage follows acts of terror committed since the beginning of this year in various places across India and on the Indian Embassy in Kabul;

Notes with deep concern the fact that Lashkar-e-Toiba, a terrorist organization that is listed in the UN Security Council Resolution 1267 and is banned in Pakistan, has continued to operate and launch terrorist attacks against India;

Notes the Government's declaration to review circumstances leading upto the attacks on Mumbai and to take further measures as may be necessary to safeguard national security;

On behalf of the people of India, firmly resolves that—

- \* India shall not cease her efforts until the terrorists and those who have trained, funded and abetted them are exposed and brought to justice;
- \* India shall firmly counter all evil designs against its unity, sovereign and territorial integrity;
- \* India shall remain resolved and shall be victorious in its fight against the barbaric menace of terrorism; and
- \* That the ideal of a secular and democratic India shall prevail."

The Resolution moved by Dr. Manmohan Singh, Prime Minister after conclusion of discussion under rule 193 on 11 December, 2008 on the statement made by the Minister of Home Affairs on 11.12.2008 regarding the recent terrorist attack in Mumbai was unanimously adopted.

### **(iii) Statutory Resolutions**

26. Resolutions tabled in pursuance of a provision in the Constitution or an Act of Parliament are termed statutory resolutions. Notice of such resolutions may be given either by a Minister or by a private member. Certain enactments, however, expressly

require the Government to bring forward a resolution within a specified period of time. There is no particular period of notice for moving a statutory resolution unless the period itself is prescribed in the particular article of the Constitution or in the section of the statute under which it is tabled. A statutory resolution, after it has been admitted by the Speaker, is published in the Bulletin, under the heading 'Statutory Resolution' for information of the members.

27. Following are some of the examples of statutory resolutions discussed in Lok Sabha:—

- (1) “That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980) as amended by the Essential Services Maintenance Act, 1981 (40 of 1981), this House approves the issue of the Government of Assam, Political (A) Department notification No. PLA-906/82/125, dated the 30th September, 1982, declaring the following services to be essential services within the State of Assam for the purposes of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980):—
  - (i) All services in any establishment or shop dealing with the essential commodities declared as such by the Government of India under the Essential Commodities Act, 1955 (Central Act No. 10 of 1955) from time to time and licensed under the Assam Trade Articles (Licensing and Control) Order, 1982 dated 22nd June, 1982 and the Assam High Speed Diesel Oil (Distribution and Control) Order, 1981 and Assam Paddy and Rice Procurement (Licensing and Levy) Order, 1981;
  - (ii) All services in any establishment or shops of appointed dealers which include the wholesaler and retailer dealing with the essential commodities as declared by the Government of India under the Essential Commodities Act, 1955 from time to time and licensed under the Assam Public Distribution of Articles Order, 1982.”

**The Resolution was discussed and adopted on 18 October, 1982.**

- (2) “That this House approves the Proclamation issued by the President on the 4th March, 2005 under article 356 of the Constitution in relation to the State of Goa.”

**The Resolution was discussed and adopted on 18 March, 2005.**

- (3) “That this House approves the continuance in force of the Proclamation dated the 25th May, 1984 in respect of Sikkim, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 25th November, 1984.”

**The Resolution was discussed and adopted on 27 August, 1984.**

- (4) “That this House disapproves of the Patents (Amendment) Ordinance, 2004 (No. 7 of 2004) promulgated by the President on 26 December, 2004.”

**The Resolution was discussed on 22 March, 2005 and was negatived.**

- (5) “In pursuance of sub-section (2) of section 3 of the Central Excise Tariff Act, 1985, this House hereby approves the notification No. 14/2005-Central Excise

dated 7th March, 2005 [G.S.R. No. 16 (E) dated 7th March, 2005] which seeks to amend the First Schedule and Second Schedule to the Central Excise Tariff Act."

**The Resolution was discussed and adopted on 23 March, 2005.**

- (6) "That this House approves the Order issued under Article 239AB of the Constitution by the President on the 16th February, 2014 read with section 50 of the GNCTD Act, 1991 and clauses (2) and (3) of article 356 of the Constitution in relation to the Government of National Capital Territory of Delhi."

**The Resolution was adopted on 20 March, 2014.**

28. Time for discussion of a statutory resolution is provided by the Government from the time allocated for Government business. The allocation of time for each such resolution is made by the House on the recommendation of the Business Advisory Committee which after considering the state of business in the House and the importance of the resolution, recommends the time necessary for discussion of the resolution.

29. A copy of every resolution, whether private member's, Government or statutory, which has been passed by the House is forwarded to the Minister concerned.

**Resolutions placed Before the House by the Speaker.**

30. There are instances when Resolutions were placed before the House by the Speaker and were adopted:—

- (i) A Special Session of the Parliament was held from 26 August to 1 September, 1997 on the occasion of the Golden Jubilee of India's independence. On 1st September, 1997, the Speaker placed the following Resolution before the House which was adopted unanimously:

"We, the Members of Lok Sabha, meeting in a specially convened Golden Jubilee Session of both Houses of Parliament, to commemorate the completion of half a century of freedom;

Having remembered with gratitude the great sacrifices made and the salutary services rendered by our freedom fighters;

Having recalled with deep satisfaction and pride the maturity of our people in vigilantly preserving democracy and safeguarding the unity of the nation and the valour of our soldiers, sailors and airmen, including ex-servicemen, in service to the country;

Having reflected upon the state of the nation with the Preamble to the Constitution as the guide;

Having then, specifically deliberated upon matters concerning our current political life, state of democracy in the country, our economy, infrastructure, science, technology and human development;

Do now solemnly affirm our joint and unanimous commitment to the issues hereinafter mentioned, and we also do solemnly resolve and direct that they be adopted as minimum tasks, constituting our 'Agenda for India' on this historic occasion;

That meaningful electoral reforms be carried out so that our Parliament and other legislative bodies be balanced and effective instruments of democracy; and further that political life and processes be free of the adverse impact, on governance of undesirable extraneous factors including criminalization;

That continuous and proactive efforts be launched for ensuring greater transparency, probity and accountability in public life so that the freedom, authority and dignity of the Parliament and other legislative bodies are ensured and enhanced; that more especially, all political parties shall undertake all such steps as will attain the objective of ridding our polity of criminalization or its influence;

That the prestige of the Parliament be preserved and enhanced, also by conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of the House and Directions of the Presiding Officers relating to orderly conduct of business, more especially by—

- \* maintaining the inviolability of the Question Hour;
- \* refraining from transgressing into the official areas of the House, or from any shouting of slogans; and
- \* invariably desisting from any efforts at interruptions or interference with the address of the President of the Republic;

That a vigorous national campaign be launched by all political parties to combat economically unsustainable growth of population, recognising that such growth lies at the root of most of our human, social and economic problems;

That education at all levels be made employment-relevant, special attention being given to quality; that achievement of the Constitutional mandate of universalisation of elementary education be closely monitored; and that universal primary education be achieved by A.D. 2005;

That the national economy be prudently managed, with emphasis on—

- \* efficient use of resources and avoidance of wastes;
- \* priority attention to development of infrastructure;
- \* generation of wealth as a sustainable means of achieving full, freely chosen and productive employment, of elimination of poverty and of securing equity and social justice; and
- \* balanced regional development;

That continuous efforts be made for achieving, in a time bound manner, marked improvement in the quality of life of all citizens of our country with special emphasis on provisions of our minimum needs—food, nutrition and health security at the house-hold level; potable water, sanitation and shelter;

That gender justice be established in the spirit of the Declaration and Platform for Action of the UN Fourth World Conference on Women (1995) and be practised as a way of life, with particular emphasis on education of the girl child;



That constant efforts be made in terms of inculcation of values and adjustment of the life and working styles of our people to secure protection of environment and preservation of ecology and bio-diversity;

That science and technology be primarily anchored in the creation of a scientific temper, be developed by promotion of governmental as well as non-governmental efforts and be pressed into service not merely for economic development but also for human development in all its dimensions;

That, finally, the essence of participatory democracy be seen in the inculcation of our national spirit of self-reliance, in which our citizens are equal partners in all spheres of our national endeavour, and not simply the beneficiaries of governmental initiatives."

- (ii) On 29 October, 1999, the Speaker placed the following Resolution before the House which was adopted by the House:—

"This House expresses its deep sense of shock at the devastation being caused by the high intensity cyclone reportedly causing serious loss of life and property suffered by the people in some districts of Orissa, West Bengal and Andhra Pradesh and urges upon the Central Government and State Governments to extend immediately all help and assistance to the people affected by this tragedy. This house offers condolences for the loss of life in the tragedy."

- (iii) On 2 March, 2001, the Speaker placed the following Resolution before the House which was adopted by the House:—

"Today, in this new millennium, when all civilizations are coming together through dialogue and shared values, we are shocked by the Taliban announcements of intended acts of religious fundamentalism and terrorism against human culture and civilization. They have moved tanks and guns to destroy one of the greatest examples of human creativity. This intent of destroying the two thousand year old statues of Buddha and the buddhist shrines in Bamiyan would constitute an appalling act of cultural vandalism.

This House unanimously condemns the barbarism and anti-civilisation intent of the Taliban in Afghanistan in the strongest possible terms. We hope the world community and especially the United Nations will take note of this and prevail upon the Taliban regime in Afghanistan to desist from this senseless destructive act."

- (iv) On 14 Dec., 2001, as soon as House met, Speaker placed following Resolution before House:—

"This House condemns the cowardly terrorist attack on the Parliament House on 13th December, 2001. The cult of violence and hatred promoted by senseless elements having no faith in democratic institutions has claimed seven innocent lives. Such attacks reinforce our determination to fight the evil of terrorism. Let us rededicate ourselves to protect the sovereignty and integrity of the country at all costs.

This House sends its condolences to the bereaved families."

**The Resolution was adopted unanimously.**

- (v) On 17 May, 2002, immediately after Ministry of Home Affairs replied to debate u/r 193 *re.* terrorist attack on bus passengers and army camp at Kaluchak in Jammu on 14 May, 2002, Speaker placed following resolution before House:—

“This House strongly condemns the most dastardly attack at Kaluchak, Jammu on 14 May, 2002 by terrorists belonging to Lashker-e-Toiba and Jaish-e-Mohammad from across Pakistan and conveys its heart-felt sympathies to the bereaved families.

We have consistently tried to build friendly relations with Pakistan through the mechanism provided by the Shimla Agreement and the Lahore Declaration, to solve all existing problems. But to our great disappointment, our efforts did not meet with the desired response from Pakistan.

It is essential that the Leaders of the World community take note of the continuing acts of terrorism encouraged by Pakistan so that united and effective action can be taken against the same.

The House now resolves to fight against such senseless acts of terrorism which are against humanity as a whole, in a united and determined manner and declares this Nation's commitment to see an end to this menace.”

**The Resolution was adopted unanimously.**

- (vi) On 8 April, 2003, immediately after completion of matters u/r 377, Speaker placed following resolution before House:—

“Reflecting national sentiment this House deplores the military action by the coalition forces led by the USA against a sovereign Iraq. This military action, with a view to changing the Government of Iraq, is unacceptable. The resultant suffering of the innocent people of Iraq, specially women and children is a matter of grave human dimension. This action is without the specific sanction of the UN Security Council and is not in conformity with the UN Charter. The House, therefore, expresses profound anguish and deep sympathy for the people of Iraq.

This House expresses its satisfaction at the quick response of the Government of India to the UN appeal for immediate humanitarian relief to the suffering people of Iraq and for the decision of the Government of India to commit Rs. 100 crore in cash and kind to the UN including 50,000 Metric Tonnes of wheat to the World Food Programme and trusts that, if required, additional assistance will also be provided.

This House calls for the immediate cessation of hostilities and quick withdrawal of coalition forces from Iraq.

This House also calls upon the UNO to protect the sovereignty of Iraq and ensure that the re-construction of Iraq is done under UN auspices.”

**After some members made submissions, the Resolution was adopted unanimously.**

- (vii) On 15 Dec., 2003, immediately after discussion u/r 193 on "recent incidents of violence in Assam and some other parts of the country due to Recruitment Policy of the Railways" was concluded, Speaker placed following Resolution before House:—

“This House expresses its deep sense of anguish over the recent incidents of violence in Bihar, Assam, Maharashtra and some other parts of the country in the wake of Railway recruitment examinations in which many innocent lives have been lost and properties destroyed. Such incidents of parochialism should be countered unitedly and with determination.

This House unanimously appeals to all to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional or sectional diversities. All issues that have a potential for promoting divisive tendencies and regional discord can and should be resolved through discussion, dialogue and other democratic means, and not through violent means.

Let us resolve to protect the regional harmony, unity and integrity of the country and rededicate ourselves to this cause.”

**The Resolution was adopted unanimously.**

- (viii) On 4 August, 2010, immediately after conclusion of discussion on a motion moved by Smt. Sushma Swaraj, LoP on 3 August, 2010 under Rule 342, Speaker placed following resolution before the House:—

“This house, having considered the inflationary pressure on the economy of the country, urges upon the Government to take further effective action to contain its adverse impact on the common man.”

**The House agreed with the Resolution.**

- (ix) A special sitting of Lok Sabha was held on 13 May, 2012 to commemorate the 60th anniversary of the first sitting of Parliament of India. At the sitting, the subject "Sixty years journey of the Indian Parliament" was discussed. After the discussion was over and the valedictory reference made, Speaker placed following Resolution before the House:—

“We, the Members of Lok Sabha, meeting in a special sitting of the Lok Sabha to commemorate the sixtieth anniversary of the first sitting of Parliament:—

- \* Remembering with gratitude, the immense sacrifices made by our freedom fighters in the nation's struggle for independence, and the stellar role played by the founding fathers of the Constitution in mandating equality, fraternity, justice, brotherhood of mankind and the uplift of under-privileged and down-trodden sections of society;
- \* Acknowledging with satisfaction and pride, the maturity of the people of India, who have cherished the democratic values and worked ceaselessly for the unity and integrity of the nation;
- \* Noting that in the last sixty years, the Parliament has, through epoch making laws, taken decisive steps towards ensuring equity and justice in

all matters and establishing an inclusive society in pursuance of our deep faith and commitment to the ideals enshrined in the Preamble to the Constitution, and a lot more remains to be accomplished;—

Do hereby solemnly reaffirm our total and binding commitment to the ideals cherished by our founding fathers, and resolve:

- (a) To uphold and maintain the dignity, sanctity and supremacy of Parliament;
- (b) To make Parliament an effective instrument of change and to strengthen democratic values and principles;
- (c) To enhance the accountability of Government towards the people through the oversight of Parliament; and
- (d) To rededicate ourselves completely to the sacred task of Nation Building."

**The resolution was unanimously passed.**

### III. DIFFERENCE BETWEEN A MOTION AND A RESOLUTION

31. As stated earlier, all resolutions are substantive motions. However, all motions need not be of a substantive character that is to say, they may not require to be voted upon in the House. The difference between a resolution and a motion is more of a procedural nature than of content. Quite often both motion and resolution on the same subject are admitted with some slight change of form. To illustrate:

- (i) During the Ninth Session, Seventh Lok Sabha, the following motion under Rule 184 was admitted in the name of Shri K. Lakkappa and published in Bulletin Part-II dated 3 July, 1982:—

“That viewing with concern that development work in different fields is not keeping pace with the urges of the nation due to administrative delays in their implementation, this house recommends to the Government the setting up of a national statutory monitoring body to constantly watch the progress of the different developmental activities at all levels, locate the factors hampering progress and suggest immediate and remedial measures where any projects are held up and delayed.”

Subsequently, Shri K. Lakkappa upon securing a high priority in the ballot for Private Members' Resolutions moved the following resolution in the House on 13 August, 1982:—

"Keeping in view the vital need for speedy implementation of the socio-economic programme of the Government, this House recommends the setting up of a monitoring body under the Government to constantly watch the progress of the different developmental activities at all levels, locate the factors hampering the progress and suggest immediate and remedial measures to expedite their implementation."

- (ii) During the Twelfth Session, Seventh Lok Sabha, the following motion under Rule 184 was admitted in the name of Shri E. Balanandan and published in Bulletin Part-II dated 18 July, 1983:—

“That this house strongly recommends to Government for a complete ban on retrenchment, lock-outs and closures in factories.”

Later on, Shri E. Balanandan upon securing a high priority in the ballot for Private Members' Resolutions moved the following resolution in the House on 19 August, 1983:—

“This House express its deep concern over the increasing incidence of industrial sickness and consequent developing crisis in industry which is resulting in lay-offs, lock-outs and closures affecting millions of workers and employees and resolves that the Government do take urgent and appropriate steps to remedy the situation.”

- (iii) During the Second Session, Twelfth Lok Sabha, the following motion under Rule 184 was admitted in the name of Dr. T. Subbarami Reddy, Shri K.S. Rao and Prof. Prem Singh Chandumajra and published in Bulletin-Part II, dated 21 May, 1998:—

“That this House expresses its deep concern over the serious crisis of drinking water in several villages of the country and urges upon the Government to evolve a national policy on drinking water so as to provide drinking water in every village of the country.”

Shri Rajendra Agnihotri, who had secured a high priority in the ballot of Private Members' resolution gave notice of the following resolution which was admitted and listed in List of Business dated 5 June, 1998:—

"This House is of the opinion that the Government should formulate a national policy to provide water to all the villages in the country within five years."

However, the member could not move the Resolution.

32. The points of distinction between a motion and a resolution are, in short, as follows:—

- (i) While all resolutions are substantive motions, a motion need not necessarily be substantive.
- (ii) A substitute motion is not to be moved to a substantive motion. As such, a substitute motion is not moved to a resolution. On the other hand, substitute motions can be moved to a motion which is not substantive.

#### **IV. EFFECT OF A MOTION OR RESOLUTION ADOPTED BY THE HOUSE**

33. By voting on a motion or a resolution, the House declares its opinion and purpose with regard to the subject matter thereof and it becomes an order of the House.

34. Even though no resolution of either House is law, there are certain categories of resolutions, which if passed by the House, have the force of law. The resolutions of a Legislative may be divided into the following three categories:—

- (i) Resolutions which have statutory effect.
- (ii) Resolutions which the House passes in the matter of control over its own proceedings.
- (iii) Resolutions which are mere expressions of opinion by the House.

##### **(i) Resolutions which have statutory effect**

35. As stated earlier, resolutions to which the Constitution or enactments pass by the Union and State Legislatures attach certain consequences fall in this category. These resolutions are binding on the Government and have the force of law.

36. Certain articles of the Constitution provide for resolutions which have statutory effect (*See* Appendix I), Article 123, for example, states that if both the Houses of Parliament pass resolutions disapproving an ordinance promulgated by the President, before the expiry of six weeks from the re-assembly of Parliament, the ordinance shall cease to operate upon the passing of the second of those resolutions. Similarly under Article 352(4), every proclamation of emergency issued under Article 352(1) is to be approved by resolution by each House of Parliament within one month. Further, under Article 356, the Presidential proclamation assuming to himself all functions of the State Government, has to be approved by resolutions by each House of Parliament within two months if the proclamation is to continue beyond that period.

37. From what has been stated above, it follows that if the President's proclamations are not approved by each House of the Parliament, by way of resolutions, they will cease to operate after expiry of the stipulated period.

38. In this connection, it may, however, be pointed out that much depends on the precise words used in the Constitution, For example Article 169(1) provides:—

"Notwithstanding anything in Article 168, Parliament may by law provide for the abolition of the Legislative Council of the State having such a Council or for the creation of such a Council in State having not such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting."

On 24 March, 1983, the Andhra Pradesh Legislative Assembly passed a resolution recommending abolition of the Legislative Council of Andhra Pradesh. The resolution was not given effect to by the Union Government.

39. A member (Prof. K.K. Tewari) sought to raise a question of privilege regarding reference of a question of privilege against Shri Jagan Nath Kaushal, a member of the House and the then Union Minister of Law, Justice and Company Affairs by the Andhra Pradesh Legislative Assembly to their Committee of Privileges on 21 February, 1984 for allegedly turning down the resolution passed by the Assembly proposing abolition of the Legislative Council of Andhra Pradesh.

40. Withholding his consent to the question of privilege on 22 August, 1984, the Speaker, *Inter alia*, observed:—

“Article 169 of the Constitution under which the resolution for abolition of the Legislative Council of Andhra Pradesh was passed by the Legislative Assembly, does not have the effect of imposing any obligation on the Government of India to take action for initiating legislation in Parliament for the purpose. This question also figured before Lok Sabha in 1970 and in reply, the then Law Minister had made a statement on 8 December, 1970 that Parliament has to exercise its discretion and Judgement; for the word used in the article is ‘may’ and not ‘shall’. ‘May’ denotes discretion and therefore Parliament is not bound blindly to implement the State Assembly resolution. The Parliament can not only choose the time for implementation of the resolution but also decide against it. The answer....is therefore that it is optional.”

Later on, a Bill, namely, the Andhra Pradesh Legislative Council (Abolition) Bill, 1985 was introduced in Lok Sabha on 15 May, 1985. The Bill was passed by the Lok Sabha and the Rajya Sabha on 16 and 17 May, 1985, respectively and assented to by the President on 24 May, 1985.

41. Likewise, a resolution moved by a private member though not statutory in nature may attract the provisions of an Act and become statutory through an amendment adopted by the House and thereby making it binding on the Government. To illustrate, Shri Tayyab Hussain moved the following resolution on 24 April, 1981:—

“This House recommends to the Government that any action by signs, words or publications to tarnish the image of Mahatma Gandhi, the Father of our Nation, be made a cognizable offence.”

On 28 August, 1981 the resolution was adopted in the following amended form:

“This House recommends to the Government that any action to tarnish the name of Mahatma Gandhi, the Father of our Nation, be taken serious note of and a Commission of Inquiry be appointed under the Commissions of Inquiry Act, 1952 to inquire into the acts and activities including publications and sources and misuse of funds, of the Gandhi Peace Foundation, the Gandhi Smarak Nidhi and the All India Serva Seva Sangh and other closely connected organisations and report to the Government within a period of six months.”

In pursuance of the above resolution, the Government appointed a Commission of Inquiry under the Chairmanship of Justice P.D. Kudal.

42. In the same way certain orders and regulations framed under various Acts of Parliament cannot come into force unless approved by a resolution of the House within a specific period.



*Position in UK*

43. While discussing the nature of Parliamentary Sovereignty in UK, Dicey, in his book "Introduction to the Study of the Law of the Constitution" has observed as follows\*:-

"The House of Commons, at any rate, has from time-to-time appeared to claim for resolutions of the House, something like legal authority. That this pretension cannot be supported is certain, but there exists some difficulty in defining with precision the exact effect which the courts concede to a resolution of either House.

Two points are, however, well-established.

First, the resolution of neither House is a law.

This is the substantial result of the case of *Stockdale v. Hansard*. The gist of the decision in that case is that a libellous document did not cease to be a libel because it was published by the order of the House of Commons, or because the House subsequently resolved that the power of publishing the report which contained it, was an essential incident to the constitutional functions of Parliament.

Secondly, each House of Parliament has complete control over its own proceedings, and also has the right to protect itself by committing for contempt any person who commits any injury against, or offers any affront to the House, and no court of law will inquire into the mode in which either House exercise the powers which it by law possess."

**(ii) Resolutions which the House of Legislatures passes in the matter of control over its own proceedings**

44. Though no resolution of either House is 'law', yet a resolution passed by the House in the matter of control over its own proceedings is something like law and cannot be disobeyed as such. It is rather difficult to define what exactly is meant by 'proceedings of the House', but for all practical purposes it may be taken to mean, according to Erskine may "some formal action, usually a decision, taken by the House in its collective capacity. This is naturally extended to the forms of business in which the House takes action, and the whole process, the principal part of which is debate by which it reaches a decision".

45. That no court in UK is competent to enquire into the proceedings of the House had been firmly established by the *Bradlaugh v. Gossett* case. Mr. Justice Stephen who delivered the judgement in this case drew an analogy between a resolution of the House and the decision of a court for which there is no appeal. He observed:—

"I do not say that the resolution of the House is the judgement of a court not subject to our revision; but it has much in common with such a judgement. The House of Commons is not a court of Justice; but the effect of its privilege to regulate its own internal concerns, practically invests it with a judicial character when it has to apply to particular cases the provision of Act of Parliament." dicey (Page 55).

(For details of the case please see Appendix II)

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\*A.V. Dicey, "Introduction to the study of the Constitution", (Ninth Edition), Mac Millan and Co. Limited, London, 1952, Pg. 54-55.

46. In this connection, Erskine May has also observed:—

“Another collective right of the House is to settle its own code of procedure. This is such an obvious right—it has never been directly disputed—that it is unnecessary to enlarge upon it except to say that the House is not responsible to any external authority for following the rules it lays down for itself, but may depart from them at its own discretion. This is equally the case whether a House is dealing with a matter which is finally decided by its sole authority, such as an order or resolution, or whether, like a bill, it is the joint concern of both Houses.”

47. Article 122 of the Constitution of India precludes courts from inquiring into the validity of any proceedings in Parliament on the ground of any alleged irregularity of procedure.

48. It, therefore, follows from authoritative opinions on the subject as quoted above that resolutions which the House passes in the matter of control over its proceedings, though strictly speaking are not laws, but still have the force of law and cannot be challenged in any court of law.

### **(iii) Resolution which are mere expressions of opinion by the House**

49. Resolutions which express an opinion of the House may be moved either by the Government or by private members, Government resolutions which are not of infrequent occurrence provide a natural form submitting some action or policy of the Government to the House for its endorsement, *e.g.* a treaty concluded but not yet ratified. Some examples of motions/resolutions are given below:—

- (i) On 31 July, 1953 a point of order was raised by Mr. T. Purushotham Mudaliar, a Member of the Madras Legislative Council, on implications of a motion relating to two amendments, one defeated and the other withdrawn in the Council when it discussed the 'modified elementary education scheme' a few days earlier and the attention of the Chairman was drawn to the fact that the resolution adopted by the Assembly was opposed to what had been passed by the Council.

The then Chief Minister, Mr. C. Rajagopalachari while making a statement on the point raised, stated that the resolution passed by the Assembly fell under the category of "mere expressions of opinion" and in this case the members who exhorted the Assembly to pass the amendment to the Government motion expressly told the Assembly that the amendment was not intended to have the effect of a motion of no-confidence in the Government.

- (ii) On 31 July, 1972, Sardar Swaran Singh, the then Minister of External Affairs move the following motion:—

"That this House do consider the statement made by the Minister of External Affairs in Lok Sabha on 31st July, 1972, regarding the agreement on Bilateral Relations between India and Pakistan signed at Simla on 2nd July, 1972."

The following substitute motion moved to the above motion by Shri Chintamani Panigrahi was adopted on the 1st August, 1972:—

“This House, having considered the Statement made by the Minister of External Affairs in Lok Sabha on the 31st July, 1972, regarding the Agreement on Bilateral Relations between India and Pakistan signed at Simla on the 2nd July, 1972 places on record its deep appreciation of the initiative which the Prime Minister and the Government of India have taken by concluding the Simla Agreement for preparing the ground for durable peace in the sub-continent.”

- (iii) On 18 September, 1981, the then Minister of External Affairs, Shri P.V. Narasimha Rao, moved the following motion:—

“That this House do consider the present international situation and the policy of the Government of India in relation thereto.”

On 10 December, 1981, the following substitute motion moved by Shri B.V. Desai to the above motion was adopted:—

“This House, having considered the present international situation and the policy of the Government of India in relation thereto, whole-heartedly supports the Government of India's firm determination to pursue the policy of non-alignment in dealing with present international situation.”

- (iv) The following resolution moved by the then Prime Minister, Smt. Indira Gandhi was adopted by Lok Sabha on 29 April, 1982:

"Resolved that this House expresses its deep anguish and concern over the situation recently created in the Punjab and strongly condemns certain calculated acts of sacrilege committed by some miscreants and fanatical elements in Amritsar, aimed at creating disharmony, disorder and misunderstanding among the patriotic and peace-loving people of the State. The House reaffirms its commitment to the national policy of secularism, tolerance and amity among all sections of Indian citizens, and trusts that the people of Punjab will not allow themselves to be swayed by any mischievous and irresponsible action of few misguided and anti-national persons. This House reiterates that the law shall take its course to bring the culprits to book speedily and trusts that all communities and every section of public of opinion in Punjab will strive to maintain the traditional communal harmony, goodwill and peace and continue to work together for the greater good of the State and the country."

- (v) The following motion moved by Shri Vasant Sathe, M.P. was adopted by Lok Sabha on 13 March, 1990:—

“This House expresses its grave concern at the situation in Jammu & Kashmir. From across the border, terrorism is being encouraged and aided and persistent attempts are being made to arouse secessionist sentiments in the Valley. It is necessary for all Indian patriots to set aside their ideological and political differences and to act unitedly for defending the unity and integrity of the country.

The role of the people of Jammu & Kashmir in our nation-building efforts, ever since their participation in our struggle for national freedom, has been a glorious one. Jammu & Kashmir has a proud tradition of communal harmony

and tolerance. The cultural identity of Jammu & Kashmir has been maintained and shall be maintained. The legitimate aspirations of the people of Jammu & Kashmir will continue to have full expression. At the same time, no sinister-designs against the unity and territorial integrity of India shall be permitted to succeed. The nation stands united and committed to this goal. Secessionism and subversion against the rule of law will, at no cost, be allowed in our democratic system.

This House is convinced that, within the framework of our democratic and secular polity, the political activity in Jammu & Kashmir must be revived. All our efforts should be unitedly directed to this national goal. This House appeals to misguided sections of people in the Kashmir Valley to abjure violence and take recourse to peaceful ways for the redressal of their grievances, for which abundant opportunities exist within the Constitution of India."

The motion was adopted.

50. To sum up, since the purpose of such resolutions is merely to obtain an expression of opinion of the House, Government is not bound to give effect to opinions expressed in the resolutions. It rests entirely on the discretion of the Government whether or not to take action suggested in such resolutions. However, there might arise a situation where the Opposition may, with the help of some ruling party members succeed in getting a resolution passed by the House much against the wishes of the treasury benches. In such a case, should the resolution be treated as amounting to a vote of censure on the Government? Should the Government resign or advise dissolution of the House?

According to Dicey, it is one of the Constitutional understandings that 'a Ministry which is out-voted in the House of Commons is in many cases bound to retire from office.' According to Ivor Jennings "a defeat of the Government on a major issue, may produce its resignation". While it is difficult to define exactly what a major issue means, the Opposition generally expresses its lack of confidence in the Council of Ministers through a censure motion and Government is bound to find time for its discussion.

51. In this connection, the following extract from the statement made by Shri C. Rajagopalachari, the then Chief Minister, Madras, in the Legislative Council on 31 July, 1953 is relevant:—

"A resolution of the Assembly, which is not law, but which is an expression of its opinion may, though devoid of legal effect, that is to say, though not having the effect of altering or adding to the laws of the State, may yet have the political effects if the resolution is a decision on a motion which the Government treats as a motion of confidence. In that event, the passing of the resolution against the Government's opposition would amount to a vote of no-confidence which according to established conventions of the working of Parliamentary institutions, would entail resignation of the Government or a recommendation to the Governor that the Assembly be dissolved. But in regard to this resolution of the Assembly, members who exhorted the Assembly to pass the amendment

to the Government's motion expressly told the Assembly that the amendment was not intended to have the effect of a motion of no-confidence in the Government. In passing the resolution, therefore, the Assembly did not express want of confidence in the Government. Constitutional convention do not require that the Government should either accept the resolution or resign or advise dissolution of the Assembly.

The Labour Government of Mr. Ramsay MacDonald was defeated in the House of Commons ten times between January and August, 1924, and did not resign or advise dissolution for that reason. Mr. Balfour's Government was defeated in the Committee of Supply on a Irish question, but neither resigned nor dissolved Parliament. The Opposition can always test the opinion of the House by a vote of no-confidence."

52. On this very subject, as far back as in 1944, an hon. member of the House of Commons suggested:—

"It should be recognised that the only adverse vote upon which a Government would be expected to resign would be if it did not carry a vote of confidence in the Government as a whole and that in no circumstances should any such vote of confidence in the Government as a whole be linked up with the particular detail of Government policy that the majority by their votes did not approve."

The hon. member suggested that the following would be the course of event:—

"When the Government is defeated in the Division Lobby on any issue, that vote should be followed by a definite vote of confidence in the Government as a whole, on the understanding that, if it was defeated on that, there would either be a new Government or a General election could be called. If not defeated, the Government would bow to the will of the House on the particular issue in question and carry on, or, if the Government was still anxious to have its way on the issue upon which they were originally defeated, it would reintroduce it, not as a vote of confidence, but in the ordinary way, and, if again defeated, it would then be the Government's responsibility whether it accepted such a determined wish of the majority of the House on that particular matter or whether they preferred to consult the majority outside the House."

(Vol. 13 of the Journal of the Society of Clerks, Editorial—Parliamentary Reform.)

53. It would appear, therefore, that there is no hard and fast rule as to the question of resignation by a Government. The only broad principle is that a Government is expected to resign office or advise dissolution of the House if it is defeated on a subject considered to be a major issue either by it or by the Opposition, or on a specific motion of no-confidence brought forward by the Opposition.

## APPENDIX I

### LIST OF ARTICLES IN THE CONSTITUTION WHICH PROVIDE FOR RESOLUTIONS WHICH HAVE STATUTORY EFFECT

Sl.No.	Article No.	Marginal Heading	Relevant portion of the article
1	2	3	4
1.	61(2)(a) (d) and (4)	Procedure for impeachment of the President.	<p>61. (1) * * * *</p> <p>(2) No such charge shall be preferred unless—</p> <p>(a) The proposal to prefer such charge is contained in resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution; and</p> <p>(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the House.</p> <p>(3) * * * *</p> <p>(4) If as a result of the investigation a resolution is passed by majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.</p>
2.	67(b)	Term of office of Vice-President.	<p>67. The Vice-President shall hold office for the term of five years from the date on which he enters upon his office:</p> <p>Provided that</p> <p>(a) * * * *</p> <p>(b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;</p> <p>(b) * * * *</p>
3.	90 (c)	Vacation and resignation of and removal from, the office of Deputy Chairman.	<p>90. A member holding office as Deputy Chairman of the Council of States—</p> <p>(a) * * * *</p> <p>(b) * * * *</p>

1	2	3	4
			(c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council:  Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.
4.	94(c)	Vacation and resignation of, and removal from, the Offices of Speaker and Deputy Speaker.	94. A member holding office as Speaker or Deputy Speaker of the House of the People— (a) * * * * * (b) * * * * *  (c) may be removed from his office by a resolution of the House of the People passed by a majority of all the then members of the House:  Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution. Provided further.....
5.	123(2)(a)	Power of President to promulgate Ordinances during recess of Parliament.	123. (1) * * * * *  (2) an Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—  (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses upon the passing of the second of those resolutions; and  (b) * * * * *
6.	169(1)	Abolition or creation of Legislative Councils in States.	169. (1) Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.  (2) * * * * * (3) * * * * *
7.	179(c)	Vacation and resignation of, and removal from, the Offices of Speaker and Deputy Speaker.	179. A member holding office as Speaker or Deputy Speaker of an Assembly— (a) * * * * * (b) * * * * *

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			(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:
			Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution: Provided further.....
8.	183(c)	Vacation and resignation of, and removal from, the Offices of the Chairman and Deputy Chairman.	183. A member holding office as Chairman or Deputy Chairman of a Legislative Council— (a) * * * * * (b) * * * * *
			(c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council: Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.
9.	213(2)(a)	Power of Governor to promulgate Ordinances during recess of Legislature.	213. (1) * * * * * (2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor but every such Ordinance— (a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council; and (b) * * * * *
10.	249	Power of Parliament to legislate with respect to a matter in the State List in the national interest.	249. (1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force. (2) A resolution passed under clause (1) shall remain in force for such period not exceeding one year as may be specified therein: Provided that, if and so often as a resolution approving the continuance in force of any such



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			<p>resolution is passed in the manner provided in clause (1), such resolution shall continue in force for a further period of one year from the date on which under this clause it would otherwise have ceased to be in force.</p> <p>(3) A law made by Parliament which Parliament would not but for the passing of a resolution under clause (1) have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the resolution has ceased to be in force, except as respect things done or omitted to be done before the expiration of the said period.</p>
11. 252	Power of Parliament to legislate for two or more States by consent and adoption of such legislation by	252.(1)	<p>If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures any other State. by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.</p> <p>(2) Any Act so passed by Parliament may be amended or repealed by any Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.</p>
12. 312(1)	All-India Services.	312.(1)	<p>Notwithstanding anything in Chapter-VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more All India Services (including an All India Judicial Service) common to the Union and the States and subject to the other provisions of this Chapter, regulate the recruitment and the conditions of service of persons appointed, to any such service.</p> <p>(2) * * *</p> <p>(3) * * *</p> <p>(4) * * *</p>

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13.	315(1)	Public Service Commissions for the Union and for the States.	<p>315.(1) * * * *</p> <p>(2) Two or more States may agree that there shall be one Public Service Commission for that Group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.</p> <p>(3) * * * *</p> <p>(4) * * * *</p> <p>(5) * * * *</p>
14.	352 (1), (4), (5), (6)	Proclamation of Emergency.	<p>352.(1) If the President is satisfied that a grave Emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.</p> <p>(2) * * * *</p> <p>(3) * * * *</p> <p>(4) Every Proclamation issued under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.</p> <p>* * * *</p> <p>(5) A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of passing of the second of the resolutions approving the Proclamation under clause (4).</p> <p>* * * *</p> <p>(6) For the purposes of clauses (4) and (5) a resolution may be passed by either House of Parliament only by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting.</p> <p>(7) * * * *</p> <p>(8) * * * *</p> <p>(9) * * * *</p>
15.	356 (1), (a), (b), (c), (2),	Provisions in case of failure of	<p>356.(1) If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that</p>

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	(3) & (4)	constitutional machinery in States.	<p>a situation has arisen in which the Government of the State cannot be carried on in accordance with provisions of this Constitution, the President may by Proclamation—</p> <p>(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State;</p> <p>(b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;</p> <p>(c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the State:</p> <p>Provided that nothing in this clause shall authorise the President to assume to himself any of the powers vested in or exercisable by High Courts, or to suspend in whole or in part of the operation of any provision of this Constitution relating to High Courts.</p> <p>(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.</p> <p>(3) Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:</p> <p>Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People is dissolved or the dissolution of the House of the People takes place during the period of two months referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.</p> <p>(4) A proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation:</p> <p>Provided that if and so often as a resolution approving the continuance in force of such a</p>

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			<p>Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years:</p> <p>Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the continuance in force of the Proclamation has been also passed by the House of the People.</p>
16.	360 (1) & (2) (a) (b) (c)	Provisions as to financial emergency.	<p>360.(1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may by a Proclamation make a declaration to that effect.</p> <p>(2) a Proclamation issued under clause (1)—</p> <p>(a) may be revoked or varied by a subsequent Proclamation;</p> <p>(b) shall be laid before each Houses of Parliament;</p> <p>(c) shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:</p> <p>Provided that if any such Proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (c), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.</p>
17.	368 (2)	Power of Parliament to amend the Constitution and procedure therefor.	<p>368.(1) * * *</p> <p>(2) an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of</p>

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			<p>the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:</p> <p>Provided that if such amendment seeks to make any change in—</p> <p>(a) article 54, article 55, article 73, article 162 or article 241, or</p> <p>(b) Chapter-IV of Part-V, Chapter-V of Part-VI, or Chapter-I of Part-XI, or</p> <p>(c) any of the Lists in the Seventh Schedule, or</p> <p>(d) the representation of States in Parliament, or</p> <p>(e) the provisions of this article,</p> <p>the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.</p> <p style="text-align: center;">*                      *                      *                      *</p>

## APPENDIX II

### BRADLAUGH V GOSSET CASE

Mr. Bradlaugh, at the beginning of the new Parliament in May, 1880, claimed to make affirmation under the Evidence Amendment Acts, 1869 and 1870, instead of taking the oath. He was eventually permitted to make the affirmation "subject to any liability by statute", and took his seat. Upon an action for penalties it was decided, finally by the House of Lords, that Mr. Bradlaugh had not qualified himself to sit by making the affirmation. On re-election, he attempted to take the oath, but was prevented by order of the House which eventually directed the Sergeant to exclude him from the House until he undertook to create no further disturbance. Mr. Bradlaugh then brought an action against the Sergeant in order to obtain a "declaration that the order of the House was beyond the power and jurisdiction of the House and void, and secondly an order restraining the Sergeant at Arms from preventing Mr. Bradlaugh by force from entering the House."

In his Judgement Mr. Justice Stephen defined the relation between the jurisdiction of the courts and that of the House of Commons over the internal proceedings of the House as follows:—

“Suppose that the House of Commons forbids one of its members to do that which an Act of Parliament requires him to do, and, in order to enforce its prohibition, directs its executive officer to exclude him from the House by force if necessary, is such an order one which we can declare to be void and restrain the executive officer of the House from carrying out? In my opinion, we have no such power. I think that the House of Commons is not subject to the control of her Majesty's Courts in its administration of that part of the statute-law which has relation to its own internal proceedings.”

“.....It seems to follow that the House of Commons has the exclusive power of interpreting the statute, so far as the regulation of its own proceedings within its own walls is concerned; and that, even if that interpretation should be erroneous, this Court has no power to interfere with it directly or indirectly.”

He assimilated the jurisdiction of the House over its own internal concerns to that of a court “whose jurisdiction is not subject to appeal”.

The limits of the jurisdiction of the House in the particular case were defined as follows:—

“.....for the purpose of determining on a right to be exercised within the House itself, and in particular the right of sitting and voting, the House and the House alone could interpret the statute but.....as regards right to be exercised out of an independently of the House, such as the right of suing for a penalty for having sat and voted, the statute must be interpreted by this Court independently of the House.”

On the other hand while recognizing that the rights of persons outside the House *i.e.* Mr. Bradlaugh's constituents, were affected by the decision of the House the learned judge denied the power of the courts to protect them so far as their rights were exercisable inside the House. [Law Reports—Bradlaugh v. Gosset (1884) 12 Q.B.D.]

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