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MONITORING REPLIES TO SPECIAL MENTIONS AND RULE 377 ISSUES

BACKGROUND

Under Rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha, Members are allowed to raise matters which are not Points of Order or which have not been raised during the same session under any other Rule. In the Rajya Sabha, Members are allowed to make a mention of matters of public importance under Rule 180A-E of the Rules of Procedure and Conduct of Business in the Council of States. Such matters raised in the Lok Sabha are commonly known as 'matters raised under Rule 377' and mentions made in the Rajya Sabha under Rule 180A-E as 'Special Mentions'.

Under the Government of India (Allocation of Business) Rules, 1961, the function regarding determination of policy and follow up action on the matters raised/special mentions made in the two Houses under the above Rules has been allocated to the Ministry of Parliamentary Affairs. In the Ministry, a new section, namely, Legislative II Section was created on 23 June, 1984 to *inter alia* attend to this new item of work in the Ministry. Until the creation of Legislative II Section, the work was being handled by Legislative I Section in the Ministry.

Normally, Ministers do not make statements on such matters in the House. However, if a Minister so desires, he may make a statement on these matters in the House with the permission of the Presiding Officer. Further, the Rules under which these matters are permitted to be raised by Members in the Houses do not provide for a reply by the Minister concerned to the Member who raises or makes a mention of such matters. Accordingly, no replies were normally sent by the concerned Ministers or

Secretaries to the Members who raised such matters. However, in a meeting of the Business Advisory Committee, Lok Sabha, held on 20 March, 1978, when a point was raised by Shri Vasant Sathe, MP, that Ministers seldom respond by way of clarifications to the important matters raised by Members under Rule 377 in the House, the Speaker observed that the Minister of Parliamentary Affairs might bring it to the notice of the Ministers that they might appropriately send a communication to the Members who raised matters under Rule 377 within one week of the matter being raised in the House. Accordingly, the Minister of Parliamentary Affairs had then brought the direction of the Speaker, Lok Sabha, to the notice of his colleagues in the Council of Ministers for information and necessary action. Subsequently, it was decided that replies by the Ministers concerned to Special Mentions raised in the Rajya Sabha may also be sent within a week of their being raised in the Rajya Sabha.

However, as the period of one week for sending replies to such matters was too short and as the Ministries were finding it difficult to send replies within this period, the Rules Committees of the Rajya Sabha and the Lok Sabha, which considered this matter in their meetings held on 27 January, 1987 and 2 March, 1989 respectively, *inter alia* recommended that one month's time be given to the Ministries to send replies to the Members concerned in respect of such matters raised by them in the two Houses. The time period then recommended by the committees in this regard is still being followed.

Normally, a Member can raise only one matter/special mention during a week. In the Lok Sabha, a maximum of 15 matters can be raised at a sitting of the House, while in the Rajya Sabha not more than six Special Mentions are admitted for a day. On the day when the Minister for Parliamentary Affairs makes a statement in the Lok Sabha regarding the Government Business to be taken in that House during the following week, matters under Rule 377 are not raised. In the Rajya Sabha, no such practice is followed. In the Lok Sabha, an entry titled 'Matters under Rule 377' is given in the List of Business if the matters given notices of by Members have been admitted for that day. However, in the Rajya Sabha, no entry in this regard is given in the List of Business. Members are permitted to raise these matters after completion of Question Hour and disposal of other formal items listed in the agenda.

In its meeting held on 29 May, 1984, the Rules Committee, Rajya Sabha, had *inter alia* recommended that the Minister of Parliamentary Affairs may, as in the case of Government Assurances, lay during each session a statement on the Table of the House indicating the action taken by the Government on the Special Mentions made by Members in the House. The matter was placed before the Cabinet Committee on Parliamentary Affairs through circulation of papers as well as by way of a formal meeting. However, the Committee could not arrive at a decision. Subsequently, the Minister of State for Parliamentary Affairs (Rajya Sabha) discussed the matter with the Chairman, Rajya Sabha, and the matter rested there. The Rules Committee, Rajya Sabha, in its meeting held on 27 January, 1987, however, again reiterated its earlier recommendation. The matter was re-examined and it was decided that as the replies to Special Mentions were already being sent to the Members concerned, the existing practice may continue. The Rajya Sabha Secretariat was informed of the Government's view in the matter.

PROCESS

Normally, on the day following the day on which these matters are raised in the Houses, relevant extracts from the proceedings of the Houses are sent by the Parliament Secretariats to the Ministries concerned with the advice to send replies to these matters to the Members concerned directly, under intimation to the Parliament Secretariat. A copy of such communications along with the relevant extracts, is also sent to the Ministry of Parliamentary Affairs. It is the respective Parliament Secretariat which decides as to which Ministry is administratively concerned with the subject matter of a Special Mention/Matters raised under Rule 377 and to whom the relevant extracts may be sent for necessary action. On the basis of the communications endorsed to this Ministry by the Parliament Secretariats, the Ministry of Parliamentary Affairs sends weekly statements, separately in respect of each House, containing the gist of matters raised by Members, as published in the Parliamentary Bulletins Part I of the respective Houses, to the Ministries/Departments concerned to enable them to cross check the matters raised in respect of their Ministry with reference to the extracts received by them from the two Parliament Secretariats

with a view to ensuring that no item is lost sight of. In these weekly communications to the Ministries (**Annex VIII-A & B**), they are *inter alia* requested to ensure that replies are sent to the Members concerned under intimation to the Parliament Secretariat and the Ministry within the stipulated period of one month from the day on which a matter is raised in the House.

The Ministry of Parliamentary Affairs, in consultation with the two Secretariats of Parliament, has consolidated certain instructions, issued by it from time to time, regarding the procedure to be followed for taking follow up action on these matters. These consolidated instructions/guidelines (**Annex VIII-C**) are circulated/brought to the notice of Ministries/Departments periodically to guide them in proper and expeditious disposal of these matters. The salient features of these guidelines are as follows:

- (i) Prescribed time limit of one month for sending the reply should be strictly adhered to. Where it is not possible to do so, an interim reply may be sent to the Member concerned under intimation to the Parliament Secretariat and the Ministry of Parliamentary Affairs.
- (ii) If the Ministry is not administratively concerned with the subject matter of a Special Mention etc. sent to it by the Parliament Secretariat, it shall take expeditious action to have the matter accepted by the Ministry to which it appears to concern. Until such acceptance has been received and communicated to the Ministry of Parliamentary Affairs, it shall continue to be pending against the Ministry to which it was originally sent.
- (iii) On dissolution of the Lok Sabha, all pending matters raised in that House shall lapse. However, if a Member of the Lok Sabha resigns or passes away, the Ministry concerned shall be required to send replies in respect of matters raised by him/her to the Lok Sabha Secretariat and the Ministry of Parliamentary Affairs. Where, however, a Member, who had resigned, is re-elected to the same Lok Sabha, reply to the matter earlier raised by him will be sent to the Member under intimation to the Ministry.
- (iv) There is no effect of dissolution of the Lok Sabha on

the Special Mentions raised in the Rajya Sabha. However, in the case of Special Mentions made by a Member who has subsequently retired, resigned or has passed away, no reply need be sent by the Ministry to anyone. However, if such a Member has been re-elected, he is required to be sent a reply in respect of the matter earlier raised by him in the House.

FOLLOW-UP ACTION

During each inter-session period, a review of the matters remaining pending in the two Houses is undertaken. A statement showing the pendency of these matters in various Ministries/Departments is prepared year-wise, session-wise, in a tabular form, separately for each House. Simultaneously, statements showing the dates on which matters were raised, names of the Members who raised them and the gists of all pending matters in respect of two Houses are prepared in respect of each Ministry/Department. After each review, a note reflecting the position of pendency etc. is submitted to the Minister along with a draft D.O. letter (**Annex VIII-D**) from the Minister to his/her colleagues in the Council of Ministers (Cabinet Ministers and Ministers of State with independent charge only) requesting them to ensure expeditious disposal of pending matters relating to Ministries/Departments under their charge. In case of Ministries/Departments whose additional charge has been given to the Minister of Parliamentary Affairs, D.O. reminders to such Ministries/Departments are sent at Secretary's level. The statements containing *inter alia* the gists of the pending matters in respect of respective Ministries/Departments are invariably enclosed with such D.O. letters help Ministries/Departments identify their pending matters and take further follow-up action promptly.

Besides, the Secretary, Ministry of Parliamentary Affairs, also from time to time takes meetings, normally during inter-session periods unless the exigencies demand otherwise, with Secretaries/senior officers of concerned Ministries/Departments, to review and expedite disposal of such matters pending action in various Ministries/Departments. Whenever it is decided to have a series of such meetings with Ministries/Departments concerned, a D.O. letter as at **Annex VIII-E**, along with the

statements containing the gist of pending matters, is sent from the Secretary, Ministry of Parliamentary Affairs, to the Secretaries of the concerned Ministries/Departments requesting them to attend or depute some senior officer to attend such meetings as per the schedule drawn up with the approval of the Secretary. Depending upon the magnitude of the pendency and the convenience of the Secretary, meetings are, normally, held over a period of three to four days. There are, normally, three time slots each day and a group of Ministries/Departments are clubbed together in each time slot in such a manner that the number of matters to be reviewed in each time slot are, as far as possible, the same. The outcome of the series of meetings so held, which normally results in significant reduction in the pendency of these matters, is then communicated to the Presiding Officers and the Secretary-Generals of the two Houses by the Minister of Parliamentary Affairs and the Secretary, Ministry of Parliamentary Affairs respectively.

During the course of the series of meetings taken by the Secretary, Ministry of Parliamentary Affairs, with Secretaries/senior officers of various Ministries/Departments during 2003, the following clarifications in regard to the causes which normally result in inordinate delay in disposal of these matters were provided:

- (i) Whenever a policy decision is required to be taken on issues raised in these matters, the Ministries may, instead of waiting till a final decision is taken in such matters, send replies to the Members furnishing factual information in the matter.
- (ii) Whenever information asked for in these matters concerns State Governments, officers of the Ministry being deputed to such States in connection with some other work, can be given copies of the list of such pending matters so that they can meet the officers concerned in those States for obtaining/expediting the requisite information.
- (iii) Whenever a matter is pending for more than one year for want of information from the State Governments, concerned officers from the States may be summoned

by the Ministry for obtaining requisite information in the matter.

- (iv) Whenever a matter pertains to some other Ministries/ Departments, it may be transferred to them with their consent, as in the case of Parliament Questions. Where, however, a matter concerns another Department/Unit of the Ministry, its transfer to the concerned Department/Unit may be done through internal discussions expeditiously.
- (v) Copies of replies sent to the Members concerned may invariably be endorsed to the Parliament Secretariat concerned and the Ministry of Parliamentary Affairs.

It has been decided that for the purpose of holding review meetings in future, the Ministries concerned shall be divided into the following three categories:

- Category 1: Secretaries of the Ministries, where there is a comparatively large pendency, especially matters pending for more than a year, may be requested to convene review meetings at their own level in the respective Ministries/Departments, which will be attended by the Secretary, Ministry of Parliamentary Affairs.
- Category 2: The Secretary, Ministry of Parliamentary Affairs, will convene meetings with Secretaries/senior officers of the Ministries which have more than five matters (old as well as new) pending at the conclusion of the last Parliament session, in Parliament House, as in the past.
- Category 3: D.O. letters from the Secretary, Ministry of Parliamentary Affairs, will be sent to the Secretaries of the Ministries/Departments where less than five matters are pending.

DECISIONS

- (i) The Rules Committee of the Rajya Sabha, at its sitting held on 27 January, 1987, observed that one month's time be given to the Ministries to send replies to the Members concerned in respect of Special Mentions

raised by them. These observations were circulated to all the Ministries. [F.No.54(3)/84-Leg.II]

- (ii) The Rules Committee of the Lok Sabha, at its sitting held on 2 March, 1989, observed that one month's time be given to the Ministries to send replies to the Members concerned in respect of matters raised by them under Rule 377. [F.No.3(1)/88-Leg.II]
- (iii) The recommendation of the Rules Committee of the Rajya Sabha was examined and it was decided that the Government did not feel it necessary to lay the statements containing the replies sent to MPs in respect of matters raised by them under Rule 377/Special Mentions on the Table of the Houses, as recommended by the Committee. [F.No.54(3)/84- Leg.II]
- (iv) The suggestion for deletion of Special Mention involving information of a sensitive nature raised by Shri S.S. Surjewala, MP, on 21 December, 1993 was examined and it was decided to delete the Special Mention from the record. [F.No. 2(38)/93-Leg.II]

CHECK LIST

A check list indicating steps to be taken to deal with Special Mentions etc. is enclosed as **Annex VIII-F** .