

AMENDMENT TO BILLS, MOTIONS AND RESOLUTIONS

AMENDMENTS

What is an amendment?

An amendment is a subsidiary motion which interposes a new process of question and decision between the main question and its decision.

Amendments may be to the clause of a Bill, to a resolution or to a motion, or to an amendment to a clause of a Bill, resolution or motion. The object of an amendment is either to modify a question before the House with a view to increasing its acceptability, or to present to the House a different proposition as an alternative to the original question.

Notice period

2. The notice period for tabling amendments to Bills, motions and resolutions under the Rules of Procedure and Conduct of Business in Lok Sabha is one day.

3. As amendments are circulated to members both in English and Hindi simultaneously, the Rules Committee (Fourth Lok Sabha) considered *inter-alia* the question of

inadequacy of the period of notice for tabling amendments to Bills, resolutions and motions. The Committee decided that members might be requested to table such notices at least two days before the day they are to be taken up in the House.

4. Accordingly, members should table the notices of amendments to Bills, motions and resolutions at least two days before the day the relevant item to which they relate is to be taken up in the House, but in any case not later than 15.15 hours on the previous day.

5. The notices of amendments tabled up to 15.15 hours on a day are printed and circulated the same day. The notices tabled after 15.15 hours are deemed to have been tabled on the next open day. These notices are printed and circulated on the next open day if the items to which they relate have not already been disposed of by the House.

6. Notices of amendments have to be given on standard printed forms. These have to be addressed to Secretary-General signed by the member giving notice and handed in at the Parliamentary Notice Office within the notified hours. With effect from 18 July, 2016 Member can also table notice in electronic form through e-portal, especially developed for the purpose.

Amendments to Motion of Thanks on President's Address

7. Notices of amendments to Motion of Thanks on the President's Address can be tabled after the President

has delivered the address. However, the lists of admitted amendments are circulated to members after the notice of Motion of Thanks is received in the Secretariat.

8. Amendments to the Motion of Thanks refer to matters contained in the Address as well as to the matters which, in the opinion of the member, the Address has failed to mention. Amendments can be moved to the Motion of Thanks in such form as may be considered appropriate by the Speaker. A few examples are given below:—

That at the end of the motion, the following be added, namely:—

- (i) “but regret that in the Address there is no mention about the failure of the Government in providing special opportunities to most of the backward class people.”, or
- (ii) “but regret that the Address does not mention that there is need for balanced economic development in the country.”, or
- (iii) “but regret that the Address does not refer to the need for land reforms in the country.”, or
- (iv) “but regret that the Address does not reflect the realities of the situation and the appropriate policy-frame to meet the worsening situation— political, economic and social.”

Admissibility of Amendments to Motion of Thanks

9. The amendments tabled by members are examined in the Secretariat and such of them as are *prima facie* in order are admitted and circulated to members.

10. The following conditions *inter-alia* govern the admissibility of an amendment:

- (i) it should not be inconsistent with the provisions of the Constitution or refer discourteously to a friendly foreign Government;
- (ii) it should not be outside the sphere of responsibility of the Government of India;
- (iii) it should not contain allegations, arguments, inferences, ironical expressions, imputations or defamatory expressions;
- (iv) it should not cast reflection on the conduct of the President and Vice-President;
- (v) it should not relate to matters under the control of the Speaker;
- (vi) it should not relate to conduct of Speaker of a State Assembly, or Governor of a State, or matters under the jurisdiction of Election Commission; and

(vii) it should not cast reflection on the decision of the House.

Moving of Amendments

11. The discussion on the Motion of Thanks is initiated by the proposer of the motion and is followed by the seconder. Thereafter, the members whose amendments have been circulated are asked by the Speaker to send slips to the Table within 15 minutes indicating the serial number of the amendments they would like to move. Those amendments only in respect of which slips are received within the stipulated time are treated as moved.

Amendment cannot be moved by proxy. The member should be present in the House to move them. A list showing the serial numbers of amendments treated as moved is put up on the Notice Board shortly thereafter. In case any member finds any discrepancy in the list, the member should bring it to the notice of the Officer at the Table without delay. Amendments cannot be moved after the discussion has commenced.

Amendments to Bills

12. Amendments to a Bill can be tabled after it has been introduced in Lok Sabha without waiting for inclusion of the next motion in regard to that Bill in the List of Business. In case a Bill is passed by Rajya Sabha amendments can be tabled after a copy thereof is laid on the Table.

Amendments to Motion for Consideration of the Bill

13. To a motion that the Bill be taken into consideration, the following amendments may be moved:—

- (i) that the Bill be circulated for the purpose of eliciting opinion thereon;
- (ii) that the Bill be referred to a Select Committee of the House; and
- (iii) that the Bill be referred to a Joint Committee of the Houses with the concurrence of Rajya Sabha.

14. In the case of (i) above, members are required to give a specific date by which the opinion on the Bill may be elicited. Normally this date should be more than three months. Amendments seeking circulation of Bills, as passed by Rajya Sabha, for the purpose of eliciting opinion thereon, are not permissible.

In the case of (ii) and (iii) above, the members tabling amendments are required to give a specific date by which the Committee may present its report. The names of members of Lok Sabha proposed to serve on the Select Committee/Joint Committee are also required to be included in the amendments. Consent of the members serving on the Select Committee/Joint Committee is not to be presumed. It is necessary that member tabling such

amendments should record this fact in the notice. Name of the Minister-in-charge of the Bill has to be invariably included, whose consent is implied and may not be taken.

15. Amendments seeking reference of Bills, as passed by Rajya Sabha, to a Joint Committee are not permissible.

Amendments to Clauses, Schedules etc.

16. The amendment to a motion on a Bill or to a clause or schedule of a Bill should be in a form in which it can be put by the Speaker to obtain a complete and clear decision from the House. Reference to the page and line number of the Bill should be given in each amendment.

17. The following conditions *inter-alia* govern the admissibility of amendments to clauses or schedules of a Bill:—

- (i) an amendment should be within the scope of the Bill and relevant to the subject matter of the clause to which it relates;
- (ii) an amendment should not be inconsistent with any previous decision of the House on the same question;
- (iii) an amendment should not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;

- (iv) if an amendment refers to or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule should be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole;
- (v) an amendment should not merely have the effect of a negative vote, Amendments purporting to omit a clause of a Bill are, therefore, out of order and not circulated;
- (vi) an amendment should not be dilatory in nature; and
- (vii) an amendment should not be frivolous or meaningless.

18. An amendment may be moved to an amendment, which has already been proposed by the Speaker.

Amendments to Amending Bills

19. The scope of amendments to an amending Bill is limited. Normally, amendments to sections of the principal Act which are not touched by the amending Bill are not admitted. Even amendments to sections which are sought to be amended, should be within the scope of the amending Bill.

President's Recommendation

20. If a member desires to move an amendment which, under the Constitution, cannot be moved without the recommendation of the President, the member should annex to the notice such recommendation conveyed through a Minister and the notice is not valid until this requirement is complied with. The member can either write directly to the Minister for obtaining the recommendation or write to the Lok Sabha Secretariat which would forward the letter to the concerned Ministry for obtaining the same. The order of the President, granting or withholding the recommendation to the amendments to a Bill is communicated to the Secretary-General of Lok Sabha by the Minister concerned in writing. The member is informed accordingly.

Amendments—circulation of

21. Lists of amendments are circulated to members as soon as the item to which these relate, is included in the weekly announcement made by the Minister of Parliamentary Affairs regarding business for the next week. In case no such announcement is made, the amendments are circulated when the relevant item is included in the List of Business. Amendments are arranged in the Lists in the order in which they may be called in the House.

Mode of Moving Amendments

22. Amendments to the motion for consideration of a Bill are moved after the Minister has concluded the speech moving the motion for consideration of the Bill. Amendments to a clause of a Bill are moved immediately after the clause is placed before the House. The mover of an amendment has no right of reply.

Disposal of Amendments

23. An amendment which has been moved may be withdrawn only by leave of the House; on specific request to that effect by the mover. If an amendment has been proposed to an amendment, the original amendment cannot be withdrawn until the amendment proposed to it has been disposed of. An amendment, if pressed, may be either adopted or negatived by the House.

Amendments to Motions and Resolutions

24. Amendments to motions and resolutions can be tabled after the relevant motion/resolution has been admitted and published in Bulletin-Part II or included in the List of Business.

25. Amendments to a motion which is in the form that a policy, situation, statement etc. may be taken into consideration, are not permitted. As such motions are disposed of under rule 342 without being put to the vote of the House, only substitute motions can be tabled to such a motion. Amendments to substitute motions are also not permissible.

Form of Amendment

26. From the point of view of form, amendments to motions and resolutions can be divided into three classes:—

- (i) amendments for omission of certain words, figures or marks;
- (ii) amendments for substitution of certain words, figures or marks; and
- (iii) amendments for insertion or addition of certain words, figures or marks.

Admissibility

27. In order that an amendment to a motion or resolution may be admissible, it should satisfy *inter-alia* the following conditions:—

- (i) it should be relevant to and within the scope of the motion or resolution;
- (ii) it should not have merely the effect of a negative vote;
- (iii) it should not be inconsistent with a previous decision of the House on the same question;
- (iv) it should not be vague or indefinite; and
- (v) it should not be unduly long or raise multiple issues.

Amendments—circulation of

28. Lists of amendments to motions and resolutions are circulated as soon as the item to which these relate, is included in the weekly announcement made by the

Minister of Parliamentary Affairs regarding business for the next week. In case no such announcement is made, the amendments are circulated when the relevant item is included in the List of Business. Amendments are arranged in the lists according to the date and time of receipt of notices.

Mode of Moving Amendments

29. Amendments are moved in the interval between the proposing and putting of the question before the House, that is during the time of discussion. An amendment can be moved only by the member in whose name it stands in the list of amendments after the question has been proposed by the Speaker. Where an amendment stands jointly in the names of several members and has been moved by one of them others cannot move it again.

30. A member who has tabled an amendment, is not entitled to precedence over other members in the matter of speaking on the question.

31. The mover of an amendment has no right of reply.

[The procedure for tabling of amendments, conditions of their admissibility etc. is as laid down in articles 117 and 274 of the Constitution, Rules 18, 75, 79—87, 118, 177, 180, 344—347 of the Rules of Procedure and Conduct of Business in Lok Sabha and Directions 21, 41—45 and 113 of Directions by the Speaker]

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PREFACE

This Abstract is part of the Parliamentary Procedure Abstracts Series and describes the procedure regarding tabling of amendment with particular reference to amendments to the Motion of Thanks on the President's Address, amendments to Bills and amendments to Motions and Resolutions. It is based on the Rules of Procedure and Conduct of Business in Lok Sabha, the Directions issued by the Speaker under the Rules of Procedure and the decisions/rulings given by the Chair from time-to-time. It is intended to serve as a handy guide for ready reference.

The information contained in this Abstract is, however, not exhaustive. It will, therefore, be prudent to refer to and rely on the original sources for full information.

NEW DELHI

Secretary General