

PREFACE

This Abstract is part of the Parliamentary Procedure Abstracts Series and describes the procedure regarding raising a matter under Direction 115 pointing out mistake or inaccuracy in a Statement made by a Minister or a member. 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 referene.

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.

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Secretary General

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MISTAKE OR INACCURACY
IN STATEMENT BY
MINISTER OR MEMBER



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subject. It is not, however, permissible to raise the matter again under Direction 115.

The provisions of Direction 115 are not applicable to the observations made by the Chair in the House.

[Directions 16, 114A and 115 of the Directions by the Speaker, Lok Sabha]

Statement by Minister/Member in reply

6. The statement to be made by the Minister/ member should be brief and confined to the specific points referred to in the statement of the member pointing out the inaccuracy. The Speaker may, if she/he considers necessary, amend the statement and inform the Minister/ member concerned accordingly.

When to raise the matter?

7. The date for taking up the matter in the House is fixed in consultation with the member who has been permitted to raise the matter and the Minister/member who is to reply and the item is accordingly included in the List of Business for that day. Not more than one such statement is admitted for the same sitting.

The member in whose name the item has appeared in the List of Business, when called by the Speaker should make the statement as approved by the Speaker. Words, phrases and expressions which are not in the statement, if spoken do not form part of the Debates. Immediately thereafter, the Minister/ member makes a statement in reply thereto. The matter is thereafter treated as closed and no clarifications or debate on the subject is permitted.

Where a member is not satisfied and wishes to pursue the matter further, she/he may table appropriate notice of motion for having a detailed discussion on the

Where the Speaker comes to the conclusion that there is *prima facie* inaccuracy in the information given to the House and the matter needs clarification, she/ he may allow it to be raised in the House. Consequently the member concerned is asked to furnish the text of the statement which she/he proposes to make/lay on the Table for the approval of the Speaker.

Statement by Member who raises the matter

5. The statement to be made/laid on the Table by the member who has been permitted to raise the matter should be brief and confine to the specific points of inaccuracy only. No extraneous matters or any fresh allegation should be included in the statement.

If the Speaker considers any portion of the statement to be irrelevant, superfluous or otherwise objectionable she/he may amend the same.

A copy of the statement as approved by the Speaker is given to the member concerned for making/ laying the same on the Table on the date on which the item is included in the List of Business. Simultaneously a copy of the statement is also forwarded to the Minister/member whose statement has been challenged with the request to furnish, in advance, for the approval of the Speaker, a copy of the statement which she/he proposes to make/ lay on the Table in reply thereto.

Admissibility

4. In granting permission to raise the matter in the House a distinction is made between :—

- (i) matters which are *prima facie* inaccurate in the light of evidence produced by the member; and
- (ii) matters which according to member's own interpretation or argument are incorrect.

In the latter case permission to raise the matter in the House may not be accorded.

Before any decision is taken in the matter, the Speaker may, if she/he considers it necessary, bring the matter to the notice of the Minister or member whose statement has been challenged for the purpose of ascertaining the factual position on the subject.

Where after considering the fact furnished by the Minister/member *vis-a-vis* the evidence produced by the member who has given the notice, the Speaker comes to the conclusion that there is no inaccuracy in the information given to the House, she/he may disallow the notice and the member concerned is accordingly informed verbally. In appropriate cases a copy of the factual note may be given to the member who has tabled the notice.

correcting such mistake/inaccuracy, the notice received from a member under Direction 115 pointing out such mistake/ inaccuracy is also inadmissible.

Notice

2. Notice pointing out the particulars of the mistake or inaccuracy and seeking the permission of the Speaker for raising the matter in the House should be addressed to the Secretary-General in writing. The member should also furnish such other evidence as she/he may have in her/his possession to substantiate the inaccuracy pointed out by her/him for consideration of the Speaker.

Time for giving Notice

3. Notice received during the inter-Session period are not valid. Before the commencement of a Session notice should at the earliest be given after the issue of the Summons. Earliest opportunity should be taken to point out the alleged inaccuracy as matters relating to long past are not generally considered.

All pending notices lapse on the prorogation of the Lok Sabha. A member should, therefore, table a fresh notice for consideration during the next Session.

MISTAKE OR INACCURACY IN STATEMENT BY MINISTER OR MEMBER

Scope

A member may, with the prior permission of the Speaker, focus the attention of the House to any mistake or inaccuracy in a statement made by a Minister or any other member on the floor of the House, if the matter so challenged has an intimate relation to a statement given by a member, or arises out of a question asked by the member.

Where, however, a Minister notices that an incorrect information has been given to the House by her/him in answer to starred/unstarred/short notice question or a supplementary question and seeks permission to make or lay a statement *suo moto* clarifying/correcting her/his earlier statement under Direction 16, the notice received from a member under Direction 115 pointing out the same inaccuracy is not admissible. Similarly, if the Minister oneself wishes to correct a mistake or inaccuracy in the information given by her/him during a debate and seeks to make/lay a statement *suo moto* under Direction 114A