

**Leaders and Chief Whips of Recognised Parties and Groups
in Parliament (Facilities) Act, 1998**

5 of 1999

[January 7, 1999]

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Prefatory Note Statement of Objects and Reasons. The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998 (5 of 1999) contains provisions for extending telephone and secretarial facilities to the leaders and chief whips of recognised parties and groups in Parliament. 2. Section 2 of the Act defines "recognised group" and "recognised party" in relation to the Council of States and the House of the People as such groups and parties which are recognised for the purposes of the Act by the Chairman of the Council of States and the Speaker of the House of the people under the rules regulating the procedure of the respective Houses. 3. In order to make the definition of "recognised group" and "recognised party" more clear, it is proposed to specify numerical strength required for recognition as such "recognised group" and "recognised party" for the purposes of the Act. Accordingly, it is proposed to amend Section 2 of the Act to provide that a recognized party shall have a strength of not less than fifty-five members being ten per cent of the total membership rounded off to the nearest higher number in respect of the Lok Sabha and not less than twenty- five members being ten per cent of the total

membership rounded off to the nearest higher number in respect of the Rajya Sabha. Likewise a recognised group shall have a strength of not less than thirty members and not more than fifty-four members in respect of the Lok Sabha and not less than fifteen members and not more than twenty-four members in respect of the Rajya Sabha. 4. There has been persistent demand that the telephone and secretarial facilities under the Act, presently admissible only to the leaders and chief whips of the recognised parties and groups in Parliament, may also be extended to the deputy leaders of those parties and groups. 5. After due consideration of the matter, it is proposed to extend the aforesaid telephone and secretarial facilities to the deputy leaders of the recognised parties and groups in Parliament also. 6. Section 3 of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998 provides that "Leaders of Opposition" as defined in Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 would not be extended the telephone and secretarial facilities under the Act. This was done in order to avoid duplication of extension of the facilities. It is now proposed similarly not to extend the telephone and secretarial facilities to those leaders, deputy leaders and chief whips of the recognised parties and groups who may be entitled to similar telephone and secretarial facilities by virtue of their holding the post of a Minister or representation on a parliamentary committee or other committee, council, boards, commissions or other bodies set up either by the Central or the State Governments or have in any other capacity been provided with similar telephone and secretarial facilities by the Government or a local authority or a corporation owned or controlled by the Government or any local authority, 7. It is also proposed to amend the Parliament (Prevention of Disqualification) Act, 1959 with a view to incorporating therein the office of the deputy leader of a recognised party or a recognised group so as to ensure that they are not disqualified from the membership of Parliament on account of their entitlement to the proposed facilities. 8. The facilities extended under the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Telephone and Secretarial Facilities) Rules, 1999 were published on the 5th February, 1999 in the Gazette of India and the facilities under the said Rule are being availed by the leaders and chief whips of some of the recognised parties or groups from the said date. It is, therefore, proposed to give retrospective effect to the provisions of the said Act under which the said rules

were purported to have been framed and to validate the action taken under the said rules. 9. The Bill seeks to achieve the above objects.

1. Short title and commencement :-

(1) This Act may be called the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998.

1 "(2) It shall be deemed to have come into force on the 5th day of February, 1999."

1. Substituted for "(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint." by the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000

2. Definitions :-

1 In this Act, unless the context otherwise requires,-

(a) "recognised group" means,-

(i) in relation to the Council of States, every party which has a strength of not less than fifteen members and not more than twenty-four members in the Council;

(ii) in relation to the House of the People, every party which has a strength of not less than fifty-five members in the House;

(b) "recognised party" means,-

(i) in relation to the Council of States, every party which has a strength of not less than twenty-five members in the Council;

(ii) in relation to the House of People, every party which has a strength of not less than thirty members and not more than fifty-four members in the House;

1. Substituted for section 2."-In this Act, unless the context otherwise requires,- (a) "recognised group" means,- (i) in relation to the Council of States, every group of parties recognised for the purposes of this Act by the Chairman under the rules regulating the procedure of that House; (ii) in relation to the House of the People, every group of parties recognised for the purposes of this Act by the Speaker under the rules regulating the procedure of that House; (b) "recognised party" means,- (i) in relation to the Council of States, every party which is recognised for the purposes of this Act by the Chairman under the rules regulating the procedure of that House; (ii) in relation to the House of the People, every party

which is recognised for the purposes of this Act by the Speaker under the rules regulating the procedure of that House." by the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000

3. Facilities to the Leaders and Chief Whips of recognised groups and parties :-

1 Subject to any rules made in this behalf by the Central Government, each leader, deputy leader and each Chief Whip of a recognised group and a recognised party shall be entitled to telephone and secretarial facilities: Provided that such facilities shall not be provided to such leader, deputy leader or Chief Whip, as the case may be, who-

(i) holds an office of Minister as defined in Sec. 2 of the Salaries and Allowances of Ministers Act, 1952 (58 of 1952);

(ii) holds an office of the Leader of the Opposition as defined in Sec. 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977); or

(iii) is entitled to similar telephone and secretarial facilities by virtue of holding any office of, or representation in, a Parliamentary Committee or other Committee, Council, Board, Commission or other body set up by the Government; or

(iv) is entitled to similar telephone and secretarial facilities provided to him in any other capacity of the Government or a local authority or Corporation owned or controlled by the Government or any local authority."

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1. Substituted for Section 3 "Subject to any rules made in this behalf by the Central Government, each leader [other than the Leader of the Opposition as defined in Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977)] and each Chief Whip of a recognised group and a recognised party shall be entitled to telephone and secretarial facilities." by THE LEADERS AND CHIEF WHIPS OF RECOGNISED PARTIES AND GROUPS IN PARLIAMENT (FACILITIES) AMENDMENT ACT, 2000 No. 18 of 2000 [7th June, 2000]

4. Power to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under sub-section (1) shall be laid, as soon as

may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Amendment of Section 3 of Act 10 of 1959 :-

In Section 3 OF THE Parliament (Prevention of Disqualification) Act, 1959 , -

(i) after clause (ab), the following clause shall be inserted, namely :- "(ac) the office of each leader of a recognised party and a recognised group in either House of Parliament;";

(ii) after Explanation 2, the following Explanation shall be inserted, namely :- "Explanation 3.-In clause (ac), the expressions "recognised party" and "recognised group" shall have the meanings assigned to them in the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998".