

# **Research Note**

**on**

## **President's Address to Parliament**

**Research and Information Division**

**Lok Sabha Secretariat**

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## **PRESIDENT'S ADDRESS TO PARLIAMENT**

### **Introduction**

The Founding Fathers of the Constitution of India have crafted a futuristic document setting out an institutional structure for governance of the country. The Preamble to the Constitution explicitly constitutes India into a Republic, making its people the source of all authority. It is an elected President who is at the head of the Executive and also an integral part of the Parliament. The Constitution has made the President of India a representative of the nation as well as the people by providing that the President shall be elected by an electoral college consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States.

As per article 53(1) of the Constitution, the executive power of the Union is vested in the President of India and is exercised by him either directly or through officers subordinate to him in accordance with the Constitution. All executive action of the Government of India shall be expressed to be taken in the name of the President under article 77(1). In consonance with the said position, article 74(1) has made a provision that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice. And according to article 75 of the Constitution, the Council of Ministers shall be collectively responsible to the House of the People.

As the executive power of the Union is co-extensive with the legislative power of Parliament, the President of India is also a constituent part of Parliament. Article 79 of the Constitution of India provides that there shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States (Rajya Sabha) and the House of the People

(Lok Sabha). Thus, in terms of the Constitution, the President represents a real fusion of the Executive and Legislative authorities. *In this context, President's Address to Parliament assumes great significance as it brings together the three constituent parts of Parliament: the President, the House/Houses of Parliament and the Executive. President's Address to Parliament is an important occasion in our scheme of governance as envisaged by the Constitution.*

### **President's Address in India: Historical Background**

In India, the provision for Address by the Head of State to Parliament goes back to the year 1921 when the Central Legislature was set up for the first time under the Government of India Act, 1919. The Act provided for the Address by the Governor-General in his discretion to either House of the Central Legislature. Though there was no specific provision in the Act for the Governor-General's Address to both the Houses assembled together, in practice during the year 1921 to 1946, the Governor-General addressed the Lower House separately as well as both the Houses assembled together on a number of occasions.

Till August 1947, the Address by the Governor-General was governed by the provisions of the Government of India Act, 1919. After Independence in 1947, the Government of India Act, 1935, as adapted, provided that the Governor-General may address the Dominion Legislature and for that purpose require the attendance of members, but actually the Governor-General did not address the Constituent Assembly (Legislative) on any occasion during its existence from November 1947 to January 1950.

During the year 1950, when the Constitution came into force, three sessions of the Provisional Parliament were held. It was felt that to have President's Address as many as three times in a year involved repetitions and expenditure of time on discussions of the Address. Besides, such a procedure involved some

administrative difficulties<sup>1</sup>. Hence, the Constitution was amended by the Constitution (First Amendment) Act, 1951 so as to provide for the President's Address only at the first session after each general election to the House of the People (Lok Sabha) and at the commencement of the first session each year<sup>2</sup>.

### **Constitution of India and Provisions regarding President's Address**

Accordingly, article 86 (1) of the Constitution, the President of India has been vested with the right to address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members. Article 87 of the Constitution makes it incumbent upon the President to address both Houses of Parliament assembled together (in the Central Hall of Parliament House) at the commencement of the first session after each general election to the House of the People (Lok Sabha) and at the commencement of the first session of each year and inform Parliament of the causes of its summons. It also provides that provision shall be made by the rules regulating the procedure of either House for allotment of time for discussion of the matters referred to in such address.

### **Contents of President's Address**

President's Address is the statement of policy of the Government and it is as such drafted by the Government. The Address consists of several paragraphs prepared on the basis of material supplied by different Ministries and Departments of the Government. Few months prior to the Address, the Prime Minister's Office requests all Secretaries to the Government of India to supply material on matters in respect of their Ministries/Departments for incorporation in the Address. The Address contains a review of the activities and achievements of the Government during the previous year and sets out policies which it wishes to pursue with regard to important national and international issues. It also contains a brief account of the

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<sup>1</sup> M.N. Kaul and S.L. Shakhder: Practice & Procedure of Parliament, 7<sup>th</sup> Edition, Lok Sabha Secretariat, New Delhi, 2016, pp. 213.

<sup>2</sup> *Vide* Section 7 of the Constitution (First Amendment) Act, 1951

programmes of the Government business and indicates the main items of legislative business which are proposed to be brought before Parliament during the sessions to be held that year.

### **Fixation of Date for President's Address**

In Indian parliamentary system, in the case of the first session after each general election to the Lok Sabha, the President Addresses both Houses of Parliament assembled together after the members have made and subscribed the oath or affirmation and the Speaker has been elected. No other business is transacted till the President Addresses both Houses assembled together. This is done in order to give precedence to the President's Address over all other business. For the same reason, in the case of the first session each year, the President's Address takes place at the time and date notified for commencement of the session of both the Houses of Parliament.

While forwarding to the Speaker, the proposal regarding commencement of the first session of a new Lok Sabha or the first session of the year, the Minister of Parliamentary Affairs (or the Leader of the House, in case the Prime Minister is not the Leader of the House) also suggests the date and time at which the President may address both Houses of Parliament assembled together<sup>3</sup>. Members are informed about the date, time and venue of the President's Address through a paragraph in the Bulletin.

### **President's Address: The Most Solemn Occasion**

In Indian parliamentary democracy, President's Address to both Houses of Parliament assembled together is the most solemn and formal act under the Constitution<sup>4</sup>. Members of both Houses of Parliament assemble together in the Central Hall of the Parliament House where the President delivers the Address.

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<sup>3</sup> M.N. Kaul and S.L. Shakti, pp. 215.

<sup>4</sup> *Ibid.*, pp. 216.

Utmost dignity and decorum befitting the occasion are required to be maintained. Members are, therefore, required to take their seats five minutes before the President arrives in the Central Hall and remain in their seats till the President leaves the Central Hall after the conclusion of the Address.

Once the President arrives at the Parliament House, he is received by the Chairman, Rajya Sabha, the Prime Minister, the Speaker, Lok Sabha, the Minister of Parliamentary Affairs and the Secretaries-General of the two Houses. Thereafter, the President is conducted to the Central Hall in a procession. As soon as the Presidential procession enters the Central Hall, the Marshal announces the arrival of the President of India. Simultaneously, two trumpeters positioned in the Gallery above the dais sound the fanfare till the President reaches his seat on the dais. All the members then rise in their places and remain standing until the President has taken his seat. Immediately thereafter, the National Anthem is played. The President then reads the printed Address in Hindi or English followed by reading of the Address in the other version, if necessary, by the Chairman, Rajya Sabha. After the conclusion of the Address, the National Anthem is played again. The President, thereafter, leaves the Central Hall in a procession which is formed in the same manner as at the time of arrival. The members remain standing till the procession leaves the Central Hall.

### **Laying of a copy of President's Address on the Table – Procedure**

The procedure of laying<sup>5</sup> on the Table a copy of President's Address was adopted for the first time in 1952 when the President addressed both Houses of Parliament on 16 May 1952 after the first General Elections. Prior to that, President's Address to the Provisional Parliament or the Governor-General's Address to the Central Legislative Assembly or both Houses of Central

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<sup>5</sup> *Ibid.*, pp. 220-221.

Legislature was printed in the Debates without its having been laid on the Table of the House.

When the members of two Houses of Parliament assemble together to hear the President's Address, it does not constitute a sitting of Lok Sabha or Rajya Sabha or a joint sitting of the two Houses. Therefore, in order that the Address delivered by the President forms part of, and is incorporated in the proceedings of the Houses, both the Houses meet separately in their respective Chambers half-an-hour after the conclusion of the President's Address when a copy each of the Hindi and the English version of the Address duly authenticated by the President of India is laid on the Table by the respective Secretaries-General. The authenticated copy is handed over to the two Secretariats by the Military Secretary to the President on the day when the President delivers the Address<sup>6</sup>.

As a matter of convention, printed copies of the Address, received from the President's Secretariat, are distributed to members and others only after a copy thereof has been laid on the Table. A copy each of the Hindi and the English version of the Address is distributed to members in the lobby of the Houses<sup>7</sup>.

In case certain corrections are made by the President in the copy of the Address authenticated by him and if these corrections have not been incorporated in other printed copies, a corrigendum is issued by the respective Secretariats before distribution of copies to members. If any error is detected by a Ministry in the Address after it has been delivered by the President and a copy thereof is laid on the Table, the procedure for correcting the error is that the Ministry concerned brings it to the notice of the President of India. On his

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<sup>6</sup> *Ibid.*,

<sup>7</sup> *Ibid.*

approving of the correction being made, the President may send a message to the two Houses, which, when announced and laid on the Table, is incorporated in the proceedings and official records.

### **Motion of Thanks and Discussion on President's Address**

There was no provision either in the Government of India Act, 1919, or in the Government of India Act, 1935, for discussion on the Governor-General's Address to the Central Legislature. However, after Independence, article 87(2) of the Constitution, as originally enacted, provided that provision be made by rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in the President's Address and for the precedence of such discussion over other business of the House. Accordingly, discussion on the Address commenced, during the three sessions of the Provisional Parliament in 1950, on the day following the delivery of the Address by the President. However it was felt that a discussion on the Address immediately after it had been delivered did not give sufficient time to members to study the Address and prepare themselves for the discussion and also to give notices of amendments. The words "and for the precedence of such discussion over other business of the House" were, therefore, omitted by the Constitution (First Amendment) Act, 1951<sup>8</sup>.

The Speaker, in consultation with the Leader of the House, allots time for the discussion of the matters referred to in the President's Address under Rule 16 of the Rules of Procedure and Conduct of Business in Lok Sabha<sup>9</sup>. For this purpose, about a week before the President's Address, the Minister of Parliamentary Affairs (or the Leader of the House in case the Prime Minister is not the Leader of the House) suggests the provisional programme of dates for discussion on the Address. The actual allocation of time for discussion on the

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<sup>8</sup> *Vide* Section 7 of the Constitution (First Amendment) Act, 1951.

<sup>9</sup> Rules of Procedure and Conduct of Business in Lok Sabha, 16<sup>th</sup> Edition, Lok Sabha Secretariat, New Delhi, 2019

Address is, however, made by the House on the recommendation of the Business Advisory Committee. Generally three days are allotted for the discussion.

Under Rule 17 of the Rules of Procedure and Conduct of Business in Lok Sabha, discussion on matters referred to in the President's Address takes place on a Motion of Thanks moved by a member and seconded by another member.

The form of the Motion is:—

“ That the Members of Lok Sabha assembled in this session are deeply grateful to the President for the Address which she/he has been pleased to deliver to both the Houses of Parliament assembled together on [ ] date.”

The notice of the Motion, given by a member and seconded by another, is received through the Minister of Parliamentary Affairs (and through the Leader of the House in case the Prime Minister is not the Leader of the House), and after it is admitted by the Speaker, the Motion is published in the Bulletin and the List of Business.

Likewise, in Rajya Sabha, Rules 14 to 21 of the Rules of Procedure and Conduct of Business<sup>10</sup> provide for the procedure to be followed for Motion of Thanks and discussion on President's Address, which is similar in nature to that of Lok Sabha.

#### *Scope of Discussion on President's Address*

The scope of discussion on the Address is very wide and the members are free to speak on all issues relating to governmental activities. Even matters which are not specifically mentioned in the Address are brought into discussion through amendments to the Motion of Thanks. The only limitations are that members cannot refer to matters which are not the direct responsibility of the Central Government and that the name of the President cannot be brought in during

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<sup>10</sup> Rules of Procedure and Conduct of Business in the Council of States, 8<sup>th</sup> Edition, Rajya Sabha Secretariat, New Delhi, 2013.

the debate since the Government and not the President is responsible for the contents of the Address<sup>11</sup>.

### *Amendments to the Motion of Thanks*

Notices of amendments to Motion of Thanks on the President's Address can be tabled after the President has delivered the Address<sup>12</sup>. Notices of amendments to the Motion of Thanks are tabled by members with reference to matters referred to in the Address as well as to matters which in the opinion of the movers thereof, the Address had failed to mention.

Under Rule 18 of the Rules of Procedure and Conduct of Business in Lok Sabha, the amendments to the Motion of Thanks may be moved by members in such form as may be considered appropriate by the Speaker. The amendments tabled by members are examined in the Secretariat and such of them as are *prima facie* in order are circulated to members. The amendments which are inconsistent with the provisions of the Constitution or refer discourteously to a friendly foreign Government or Head of State or cast reflection on the conduct of the President and Vice-President or relate to matters under control of the Speaker, are disallowed. If separate time has been allotted during the same session for discussion of a particular subject referred to in the Address, amendments pertaining to the subject are disallowed.

Discussion on the Motion is initiated by the proposer of the Motion, who is followed by the seconder. The members who have tabled amendments are then asked to indicate their intention to move the amendments standing in their names and such of the amendments as are selected by members are taken as moved and an announcement to that effect is made by the Speaker. Even at this stage the Speaker has the discretion to rule any amendment out of order even though it had been

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<sup>11</sup> M.N. Kaul and S.L. Shakhder, *op.cit.*, pp. 224.

<sup>12</sup> Lok Sabh Secretariat: Parliamentary Procedure Abstract Series No. 1 '*President's Address and Motion of Thanks*', New Delhi, 2019

circulated to the members. Those members who do not move the amendments at this stage are not permitted to do so later when the discussion has started. In rare cases, however, where the Speaker is satisfied with the explanation of the member for not moving the amendment at the appropriate stage, the Speaker may permit the member to move the amendment at a later stage.

Under Rule 21 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Speaker may prescribe a time limit for speeches after taking the sense of the House. For this purpose, on the opening day of the discussion, the Speaker makes an announcement fixing the time limit which does not ordinarily exceed 30 minutes for the Leaders of Groups and 15 minutes for other members. The Prime Minister, when replying to the debate on behalf of the Government is, however, allowed more time.

Discussion on the Address is generally not interrupted during the course of the sitting of the House by any other business. However, under Rule 19 of the Rules of Procedure and Conduct of Business in Lok Sabha, notwithstanding that a day has been allotted for discussion on the President's Address, a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day; and other business of a formal character may be transacted on such day before the House commences or continues the discussion on the Address. Further, the discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Speaker. The Speaker shall forthwith put the question, no amendment or debate being allowed. Besides, the discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under Rule 61 of the Rules of Procedure and Conduct of Business in Lok Sabha.

At the end, the Prime Minister or any other Minister, whether previously taken part in the discussion or not, shall on behalf of the Government has a general right of explaining the position of the Government<sup>13</sup>. On some occasions, however, Ministers have participated in, or replied to, the debate on points concerning their respective Ministries and the Prime Minister has reviewed the position on matters of national and international importance<sup>14</sup>. After the Prime Minister has replied to the debate, the amendments that had been moved are disposed of and the Motion of Thanks put to the House and adopted.

*Motion of Thanks conveyed to the President and Message from the President thereon*

After the Motion of Thanks is adopted in the respective Houses, it is conveyed to the President through letters by the Chairman in the case of Rajya Sabha and by the Speaker in the case of Lok Sabha. In reply to the Chairman's and the Speaker's letters, the President acknowledges the receipt of the Motion of Thanks through a message. This message is read out to the respective Houses by the Chairman and the Speaker<sup>15</sup>.

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<sup>13</sup> Rules of Procedure and Conduct of Business in Lok Sabha, *op.cit.*, Rule 20 ..

<sup>14</sup> M.N. Kaul and S.L. Shakhder, *op.cit.*, pp. 225-226.

<sup>15</sup> *Ibid*, p. 226.