

# **ITEMS TAKEN UP IN THE PARLIAMENT DURING ITS PROCEEDINGS**

## **Oath and Affirmation**

A member who has not already made and subscribed an oath or affirmation, in pursuance of article 99 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Presiding Officer of the House (Speaker of the Lok Sabha or Chairman of Rajya Sabha) may direct.

## **Obituary reference**

The House pays last respect to deceased Member of the House or a distinguished personage of National or International repute. Generally Speaker in the Lok Sabha or Chairman in the Rajya Sabha addresses the House in the honour of departed soul followed by Prime Minister/Leader of the House and Leader of Opposition. Silence for a short while is observed as a mark of respect to the departed soul. Presiding Officer directs Secretary General to convey the condolence message of the House to the bereaved family members.

## **Question Hour**

- Parliamentary Questions is a technique of parliamentary surveillance over administration in a parliamentary democracy. In this system, the Government is accountable for all its acts of omission and commission to the Parliament and through the Parliament to the people.
- Question Hour is a scheduled period where Members of Parliament (MPs) have the opportunity to ask questions to ministers regarding various matters of public interest during a parliamentary session.
- This period usually occurs at the first hour of every sitting in the Lok Sabha (Lower House) and at the second hour of every sitting in the Rajya Sabha (Upper House) of the Indian Parliament.
- The different types of questions asked to ministers during the Question Hour are as follows:
  - (i) Starred Questions
    - These questions require oral answers from the ministers.

- These questions are distinguished by an asterisk.
- MPs who submit starred questions are allowed to ask supplementary questions with the permission of Chair for the purpose of further elucidating any matter of fact regarding which an answer has been given.
- Number of Questions Listed to be answered daily are 20 in Lok Sabha and 15 in Rajya Sabha.

(ii) Unstarred Questions

- These questions require written answers from the ministers.
- These questions are not distinguished by an asterisk.
- MPs who submit unstarred questions do not have the opportunity to ask supplementary questions.
- Number of Questions Listed to be answered daily are 230 in Lok Sabha and 160 in Rajya Sabha.

(iii) Short Notice Questions

- Notice of less than 10 days in Lok Sabha and 15 days in Rajya Sabha. These questions must be relating to a matter of public importance and is of urgent character.
- They are answered orally.

(iv) Questions to Private Members

- In addition to ministers, questions can also be asked to private members provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the House for which that member is responsible.

**Some conditions about admissibility of Questions**

- (i) Word limit of question not to exceed 150 words.
- (ii) Matter be primarily concerned to Government of India.

(iii) Matter must not be under adjudication by a court of law having jurisdiction in any part of India.

(iv) It shall not seek information about matters which are secret in nature.

### **Breach of Privilege**

A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof. If leave is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

### **Papers to be laid on the Table of the House**

It means laying of Parliamentary papers or documents on the Table of both Houses of Parliament for bringing them on the record of the House by a Minister or by a private member or by the Secretary-General with the permission of Presiding Officer in pursuance of the provisions of the Constitution or the Rules of Procedure or Direction by the Speaker or an Act of Parliament and rules and regulations made there under. These papers are like Administrative Reports, Annual Reports, Recruitment and Promotion Rules, Annual Audit Reports, CAG Reports etc.

### **Privilege Motion**

- It is moved by a member when he feels that a **minister has committed a breach of the privilege of the House** or its members by withholding facts or by giving wrong facts.
- Its purpose is **to censure the concerned minister.**
- It can be moved in Rajya Sabha as well as Lok Sabha.

### **Zero-Hour**

- It refers to a scheduled period that **starts immediately after the Question Hour in Lok Sabha** and lasts until the agenda or the regular business for the day is taken up. In the Rajya Sabha it is **observed in the first hour of the sitting of the day.**
- It is used to **raise matters of urgent public importance with the permission of the presiding officer.**
- This item is not mentioned in the Rules of Procedure thus, it is an **informal device.**
- It is an **Indian innovation** in the field of parliamentary proceedings and it came into practice in early sixties.

## Calling Attention Motion

- This motion is used by a member **to call the attention of a minister to a matter of urgent public importance** and seek an authoritative statement from him thereupon. After making the Statement by the Minister, clarificatory questions may be asked by Member and Minister Replies at the end to all such questions.
- Like Zero Hour, it is also an **Indian innovation** in the parliamentary procedure.
- However, unlike Zero Hour, **it is mentioned in the Rules of Procedure.**

## Adjournment Motion

- It is introduced in the Parliament to draw the attention of the House to a definite matter of urgent public importance.
- It needs the support of at least 50 members to be admitted.
- It interrupts the normal business of the House. Thus, it is an extraordinary device.
- It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device.
- This motion is subject to the following restrictions:
  - ❖ It should raise a matter that is definite, factual, urgent, and of public importance.
  - ❖ It should not cover more than one matter.
  - ❖ It should be restricted to a specific matter of recent occurrence.
  - ❖ It should not be framed in general terms.
  - ❖ It should not raise a question of privilege.
  - ❖ It should not revive discussion on a matter that has been discussed in the same session.
  - ❖ It should not deal with any matter that is under adjudication by the court.
  - ❖ It should not raise any questions that can be raised separately through distinct motions.

## Short Duration Discussion

- The time allotted for such discussions shall not exceed two hours. Hence, it is also known as Two-Hour Discussion.
- The members of the Parliament can raise such discussions on a matter of urgent public importance.

- The Speaker can allot two days a week for such discussions.
- There is no formal motion or voting before the House for such discussions.

### **Half an Hour Discussion**

- It is meant for discussing a matter of sufficient public importance, which has been subject of a recent question, oral or written and the answer to which needs elucidation on a matter of fact.
- The Speaker can allot three days a week for such discussions.
- There is no formal motion or voting before the House for such discussions.

### **Matters raised under Rule 377 in Lok Sabha**

- A matter that is not a Point of Order or that cannot be raised using the other devices under any rule of the House can be raised under the Notice (Mention) under Rule 377 in Lok Sabha.
- It is equivalent to the Special Mention device used in Rajya Sabha for a similar purpose.
- Concerned Minister to whom the subject matter is related replies to Members within one month time from the date of raising the matter in the House.

### **Matters raised by way of Special Mentions in the Rajya Sabha**

- A matter that is not a Point of Order or that cannot be raised using the other devices under any rule of the House can be raised under the Special Mention in the Rajya Sabha.
- Its equivalent procedural device in the Lok Sabha is known as 'Notice (Mention) Under Rule 377'. Concerned Minister to whom the subject matter is related replies to Members within one month time from the date of raising the matter in the House.

### **No Confidence Motion**

- This is a motion moved by a member to express a lack of confidence of the Lok Sabha in the government.
- This motion is moved in accordance with the provisions under Article 75, which says that the Council of Ministers shall be collectively responsible to the Lok Sabha. It means that the Government stays in office only as long as it enjoys the confidence of the majority of the members of Lok Sabha.
- It can be moved only in the Lok Sabha.
- It needs the support of 50 members to be admitted.

The motion, if allowed by the Speaker of the Lok Sabha, is debated upon and then put to vote. If it gets passed by the House by a Simple Majority, the government has to resign.

## Censure Motion

- This motion is moved to seek the disapproval of certain policies of the government.
- It seeks to censure the government for its ‘lapses’.
- It can be moved only in the Lok Sabha and not in the Rajya Sabha.
- The difference between a Censure Motion differs from a No-Confidence Motion can be seen as follows:

Censure Motion	No-Confidence Motion
It should state the reasons for its adoption.	It need not state the reasons for its adoption.
It can be moved against an individual minister, a group of ministers, or the entire Council of Ministers.	It can be moved against the entire Council of Ministers only.
It is moved for censuring the Council of Ministers for specific policies and actions.	It is moved to ascertain the confidence of the Lok Sabha in the Council of Ministers.
If it is passed in the Lok Sabha, the Council of Ministers <b>need not resign</b> from office.	If it is passed in the Lok Sabha, the Council of Ministers <b>must resign</b> from office.

## Motion of Thanks

- The first session after each general election and the first session of every fiscal year is addressed by the President, wherein the President outlines the policies and programs of the government in the preceding year and ensuing year. This address of the President is discussed in both the Houses of Parliament on a motion called the ‘Motion of Thanks’.
- At the end of the discussion, the motion is put to vote.
- This motion must be passed in the House, otherwise, it amounts to the defeat of the Government.

## Resolutions

- A resolution is a formal statement or proposal to draw the attention of the House or the government to matters of general public interest.
- The discussion on a Resolution is strictly relevant to and within the scope of the Resolution.
- A member who has moved a resolution or amendment to a resolution cannot withdraw it except by the leave of the House.

- Resolutions are classified into three categories:

(i) **Private Members Resolution**

- It is moved by a private member.
- It is discussed only on alternate Fridays in the afternoon sittings.

(ii) **Government Resolution**

- It is moved by a minister.
- It can be taken up on any day from Monday to Thursday.

(iii) **Statutory Resolution**

- It can be moved either by a private member or a minister.
- It is always tabled in pursuance of a provision of the Constitution or an Act of Parliament.

<b>Difference between Resolutions and Motions</b>
All resolutions are substantive motions. All motions may not be substantive. All motions are not necessarily put to vote. All resolutions are required to be put to vote.

## **Legislative Business (Making of Law)**

An important function of Parliament is to make laws. The term 'law' includes any ordinance, order, bye-law, rule, regulation, notification, custom or usage having the force of law. All legislative proposals are brought before Parliament in the form of Bills. A Bill is a statute in draft, and no Bill, whether it is introduced by the Government or by a Private Member, can become law until it has received the approval of both the Houses of Parliament and assent of the President. When a Bill is passed by Parliament and assented to by the Head of the State, it becomes law.

### **Types of Bills**

Subject to the provisions of the Constitution, a Bill may originate in either House of Parliament. Bills may be classified into Government Bills and Private Members' Bills accordingly as they are sponsored by a Minister or a private Member. Depending upon their contents, the Bill may be of the following types:

- (a) Original Bills or Bills embodying new proposals, ideas or policies;
- (b) Amending Bills or Bills which seek to modify, amend or revise the existing laws;
- (c) Consolidating Bills or Bills which seek to consolidate the existing law on a particular subject;
- (d) Expiring Laws (Continuance) Bills or Bills to continue an expiring Act;
- (e) Repealing Bills or Bills seeking to repeal existing Acts;
- (f) Bills to replace Ordinances; and
- (g) Constitution (Amendment) Bills.

Money Bills on Taxation and Appropriation and Financial Bills, because of their special features, are treated separately from other Bills.

## **GOVERNMENT BILLS**

### **Initiation of Legislative Proposals**

Government legislative proposals are initiated by the Cabinet or a Minister of a Ministry. In all cases, however, as soon as a legislative proposal has been thought of, the concerned Ministry works out its implications, viz. — political, administrative, financial, economic or social. If other Ministries of the Government or State Governments are in any way concerned, their advice is taken into account. The opinion of experts, wherever necessary, is also enlisted. The legal and constitutional aspects of the problem are examined in consultation with the Ministry of Law & Justice or the Attorney-General of India. After the proposal has been thoroughly examined from all points of view and those concerned with it have been consulted, a self-contained Memorandum is prepared, which after being cleared by the Ministry of Law & Justice is submitted to the Cabinet for approval. The Cabinet confines its discussion to the broad aspects of policy underlying the proposal and gives its decision.



## **Drafting of Bills**

After the Cabinet has approved the proposal, the administrative Ministry forwards the papers to the Draftsman in the Ministry of Law & Justice for putting it into the shape of a Bill. The words and phrases that he chooses for a particular provision of the Bill should convey the intention clearly, without any ambiguity whatsoever. He is not only concerned with the form of the Bill and its wording; he should also see to it that it is simple, effective and easily understood by men of an average ability.

## **Passage of Bill**

The passage of a Bill in a House involves three readings.

### **First Reading**

The legislative process starts with the introduction of the Bill in either House of Parliament—the Rajya Sabha or the Lok Sabha. Money Bills [i.e. Bills which contain only provisions for the imposition, abolition, remission, alteration or regulation of taxes, for appropriation of moneys out of the Consolidated Fund and other matters referred to in clauses (a) to (f) of Article 110 of the Constitution] and Financial Bills containing provisions attracting Article 110 as well as other matters can, however, be introduced only in the Lok Sabha.

It is necessary to ask for leave to introduce the Bill. If leave is granted by the House, the Bill is introduced. This constitutes the First Reading of the Bill. Normally, the motion for introduction is not opposed, but there have been occasions when motions for introduction of Government and Private Members' Bills have been opposed. Only such subject matter of the Bill should be brought before Parliament on which Parliament has legislative competence.

### **Second Reading**

The Second Reading consists of consideration of the Bill which is in two stages. The first stage consists of a discussion on the Bill as a whole when only the principles

of the Bill and its provisions are discussed in general. At this stage it is open to the House to refer a Bill to a Select Committee of the House or a Joint Committee of the two Houses or to circulate it for the purpose of eliciting opinion thereon or straightway take it into consideration.

### ***Bill before the Select/ Joint Committee***

In the case of a Bill having been referred to a Select/ Joint Committee, the Committee considers the Bill clause by-clause just as the House does. Amendments can be moved to the various clauses by members of the Committee. The Committee can also take evidence of associations, public bodies or experts who are interested in the measures. After the Bill has thus been considered, the Committee submits its report to the House which considers the Bill as reported on by the Committee.

### ***Circulation of Bill for Eliciting Opinion***

A Bill may be circulated for the purpose of eliciting public opinion thereon and the opinions may be obtained through the agencies of the State Governments.

Where a Bill has been circulated for eliciting an opinion and where opinions have been received and laid on the Table of the House, the next motion in regard to the Bill must be for its reference to a Select/ Joint Committee. It is not ordinarily permissible at this stage to move a motion for consideration of the Bill, unless the Presiding Officer allows it.

### ***Clause-by-Clause Consideration***

The second stage of the Second Reading consists of a clause-by-clause consideration of the Bill, as introduced or as reported by Select/ Joint Committee. Discussion takes place on each clause of the Bill and amendments to clauses can be moved at this stage. If an amendment requires previous sanction or recommendation of the President, the Member giving such an amendment shall annex the same to his notice which shall not otherwise be valid. Each amendment and each clause is put to

the vote of the House. The amendment becomes part of the Bill if they are accepted by a majority of the members present and voting. After the clauses, the schedules, if any, the Enacting Formula, Long Title and Short Title of the Bill have been adopted by the House, the Second Reading is deemed to be over.

### **Third Reading**

Thereafter, the Member-in-charge can move that the Bill (or the Bill, as amended) be passed. This stage is known as the Third Reading of the Bill. At this stage debate is confined to arguments either in support of the Bill or for its rejection, without referring to the details thereof further. Only formal, verbal or consequential amendments are allowed at this stage. When passing an ordinary Bill, a simple majority of the Members present and voting is sufficient.

### **Constitution Amending Bills**

In the case of a Bill to amend the Constitution, it can be introduced in either House of Parliament and it has to be passed in each House by a majority of the total membership of the House and a majority of not less than two-thirds of the Members present and voting.

When a Bill has been passed by the Rajya Sabha, it is transmitted to the Lok Sabha for concurrence with a message to that effect.

### **Bills Originating in the other House and Transmitted to the Council**

After a Bill is passed by the Lok Sabha, it is sent to the Rajya Sabha for concurrence with a message to that effect and is, as soon as may be, laid on the Table. It goes through the same stages in the Rajya Sabha i.e. consideration and passing or return. In regard to Money Bills, the Lok Sabha is vested with the exclusive power to legislate and the Rajya Sabha can only recommend amendments therein and must return such a Bill to the Lok Sabha within fourteen days from the date of its receipt. It

is up to the Lok Sabha to accept or reject any or all the recommendations of the Rajya Sabha with regard to a Money Bill. In the past, on three occasions the recommendations made by the Rajya Sabha were accepted by the Lok Sabha. If a Money Bill passed by the Lok Sabha and transmitted to the Rajya Sabha for its recommendations is not returned to the Lok Sabha within the said period of fourteen days, it is deemed to have been passed by both Houses at the expiration of the said period, in the form in which it was passed by the Lok Sabha.

### **Consideration of the Bill at a Joint Sitting of both Houses**

If a Bill, other than a Money Bill and a Constitution (Amendment) Bill, passed by one House is rejected by the other House, or the Houses have finally disagreed as to the amendments to be made in the Bill, or more than six months elapse from the date of receipt of the Bill by the other House without the Bill being passed by it, the President may summon a Joint Sitting of the two Houses to resolve the deadlock. The Bill is deemed to have been passed by both the Houses in the form in which it is passed by a majority of the total number of members of both the Houses present and voting in the Joint Sitting. There have been only three instances of Joint Sittings of both the Houses so far. First Joint Sitting was held in May, 1961 in which the Dowry Prohibition Bill, 1959 on which both the Houses had finally disagreed as to the amendment to be made in the Bill, was passed. The other was held in May, 1978, in which the Banking Service Commission (Repeal) Bill, 1977, rejected by the Rajya Sabha, was passed. The third Joint Sitting was held on 26 March, 2002 in which the Prevention of Terrorism Bill, 2002, rejected by the Rajya Sabha was passed. At the first Joint Sitting, i.e. Joint Sitting of the Houses in 1961 on the Dowry Prohibition Bill, 1959, some of the amendments insisted upon by the Rajya Sabha were adopted and were incorporated in the Bill passed at the Joint Sitting.

### **PRIVATE MEMBERS' BILLS**

A Member, other than a Minister, who wants to introduce a Bill has to give notice of a motion for leave to introduce the Bill and has to submit a copy of the Bill

and explanatory Statement of Objects and Reasons which shall not contain arguments, together with the notice. Such Bills can be taken up only on the days which are allotted for transaction of Private Members' Bills. The last two and half hours of the Sitting every Friday are usually allotted for the transaction of Private Members' business and alternate Fridays are made available for Private Members' Bill, the other Friday being devoted to Private Members' Resolutions. The primary responsibility for drafting of Private Members' Bills is that of the members concerned. By convention, the motion for introduction of a Bill is not opposed. However, in some cases the introduction of Bills was opposed. In case the introduction of a Private Members' Bill is opposed on the grounds that the Bill initiates legislation outside the legislative competence of the Rajya Sabha, the Hon'ble Chairman may permit a full discussion thereon. A Private Members' Bill proceeds on the same lines as a Government Bill in its passage through the Houses of Parliament and in receiving President's Assent. So far, since 1952, 14 Private Members' Bills have found their way in the Statute Book.

## **ASSENT OF THE PRESIDENT**

When a Bill is passed by both the Houses, the Secretariat of the House, which is last in possession of the Bill, obtains the assent of the President. In the case of a Money Bill or a Bill passed at a Joint Sitting of the Houses, the Lok Sabha Secretariat obtains the assent of the President. The Bill becomes an Act only after the President's assent has been given thereto. As per article 111, the President can give his assent or withhold his assent to a Bill. The President can also return the Bill (except a Money Bill) with his/her recommendations to the Houses for re-consideration and if the Houses pass the Bill again with or without amendment, the Bill has to be assented to by the President.

In the case of a Bill which seeks to amend any of the provisions of the Constitution in terms of article 368 of the Constitution after it is passed by the Houses by the requisite special majority and ratified by the States where required by the proviso to clause (2) of article 368 of the Constitution, the President has to accord his assent thereto.

## **FINANCIAL MATTERS**

### **Money Bills**

A Money Bill, as defined in article 110 of the Constitution, is a Bill which contains only provisions dealing with all or any of the matter detailed in clause (1) thereof.

The matters detailed therein are as under:

- a) the imposition, abolition, remission, alteration or regulation of any tax;
- b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;
- c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of money into or the withdrawal of moneys from any such fund;
- d) the appropriation of moneys out of the Consolidated Fund of India;
- e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;
- f) the receipt of money on account of the Consolidated Fund of India or the Public Account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or
- g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

Clause (2) of article 110, however, makes it clear that a Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties or for the demand or payment of fees for licenses or fees for services rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

On the question, whether a Bill is a Money Bill or not, the decision of the Speaker is final. In every case of a Money Bill, Speaker endorses a certificate thereon signed by him to the effect that it is a Money Bill before the Bill is sent to the Rajya

Sabha or presented to the President for assent. This certificate can be endorsed only by the Speaker so long as the office of the Speaker is not vacant.

The procedure with regard to the Money Bills in the Rajya Sabha is the same as in the case of other Bills transmitted by the Lok Sabha with difference that in case of other Bills the amendments are adopted and, the last motion is that the Bill be passed, while in the case of Money Bills the amendments are recommended and the last motion is, that the Bill be returned.

On the adoption of this motion, a Money Bill is returned to the Lok Sabha with the message that the Rajya Sabha has no recommendations to make to the House in regard to the Bill or with the message intimating to the House the amendments recommended, as the case may be. The Lok Sabha under article 109 has the option to accept or reject all or any of the recommendations of the Rajya Sabha. The Bill, however, has to be returned within a period of fourteen days from the date of its receipt by the Rajya Sabha, otherwise it is deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Lok Sabha.

### **Financial Bills - Category-I**

A Bill falling under clause (1) of article 117 of the Constitution is called a Financial Bill. It is a Bill which seeks to make provision for any of the matters specified in sub- clauses (a) to (f) to clause (1) of article 110 as also other matters. It is, so to say, a Bill which has characteristics both of a Money Bill and an ordinary Bill. As in the case of a Money Bill, firstly, it cannot be introduced in the Rajya Sabha and secondly, it cannot be introduced except on the recommendation of the President. Except these two points of difference, a Financial Bill in all other respects is just like any other ordinary Bill.

### **Financial Bills - Category-II**

There are Bills of yet another class which are also Financial Bill under article 117(3). Such Bills are more in the nature of ordinary Bills than the Money Bills and Financial Bills mentioned earlier. The only points of difference between this category

of Financial Bills and the ordinary Bills is that a Financial Bill of this category, if enacted and brought into operation, involves expenditure from the Consolidated Fund of India and cannot be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill. In all other respects that category of Bills is just like ordinary Bills.

