

## CHAPTER—17

### Questions

#### Time for questions

Until the 232<sup>nd</sup> Session, the Rule stated that unless the Chairman otherwise directs, the first hour of every sitting is available for the asking and answering of questions.<sup>1</sup> The House commenced its sitting at 11.00 a.m. and generally proceeded immediately to question time until 12.00 noon. However, with the amendments to the Rules of Procedure and Conduct of Business in the Council of States in November 2014, the question time was shifted from the 233<sup>rd</sup> Session onwards from 12.00 noon to 1.00 pm.<sup>2</sup> This hour is popularly and commonly known as Question Hour. The Rules of Procedure and Conduct of Business in the Council of States now states that unless the Chairman otherwise directs, the Question Hour shall be from 12.00 noon to 1.00 p.m.<sup>3</sup>

There is an instance when the sitting of the House commenced at 3.00 p.m. as a function was held to commemorate the 50<sup>th</sup> Anniversary of the first sitting of the Constituent Assembly at 10.00 a.m. on 9 December 1996, in the Central Hall, Parliament House.<sup>4</sup> The Question Hour, accordingly, continued upto 4.00 p.m.

In another instance the Question Hour was shifted, on the direction of the Chairman, from 11.00 a.m.-12.00 noon to 2.00 p.m.-3.00 p.m. from Monday to Thursday and 2.30 p.m.-3.30 p.m. on Friday during 7 March 2011 to 16 March 2011.<sup>5</sup>

The Rajya Sabha met for the first time on 13 May 1952, and till 26 May 1952, there was no Question Hour in the House. On 16 May 1952, which was the second sitting of the House, the Chairman made the following announcement:

...After a good deal of discussion, I decided that we should adopt the procedure of the House of Lords. Questions on two days a week, three starred questions a day—that is the procedure of the House of Lords...Three questions will be answered orally and those questions will be selected in the order of receipt.<sup>6</sup>

On 19 May 1952, a member raised the following question of privilege arising out of the announcement made by the Chairman:

It appears that under powers conferred on him under article 118(2) of the Constitution, the Chairman has modified the practice obtaining in the old Council of State relating to asking of questions by members to the disadvantage of the rights of such members.

The Chairman observed that it was not a question of privilege. It would however, be considered by the Committee on Rules on its constitution.<sup>7</sup> What the member was referring to was that under the Standing Orders of the old Council of State the first hour of every meeting was available for questions<sup>8</sup> and not the two days of a week.

On 20 May 1952, immediately after the Motion of Thanks on President's Address was moved, the Chairman informed the House:

...Next Tuesday and Wednesday (*i.e.* May 27 and 28), you will be allowed to have questions raised here. You must give notice of them today or tomorrow. If you are able to put your questions today or tomorrow they may be answered on Tuesday or Wednesday next week. The first half hour will be devoted to questions.<sup>9</sup>

This was followed by a Bulletin informing members about the allotment of days for answering questions on Tuesday, 27 May and Wednesday, 28 May 1952.

Accordingly, there were 3 starred questions and 12 unstarred questions listed for 27 May 1952, and 3 starred questions and 45 unstarred questions for the next day. The first question was asked by Shri S.V. Krishnamoorthy Rao who later became the first Deputy Chairman of the Rajya Sabha on 31 May 1952.

On 14 July 1952, the Chairman announced that on the recommendation of the Committee on Rules,<sup>10</sup> he had made certain amendments in the provisions relating to questions. Under the amended rules, the first hour of the sitting on every Monday, Tuesday, Wednesday and Thursday was made available for the asking and answering of questions. If the House did not sit on any of those days, then the following Friday was also to be made available. Each member was entitled to put three starred questions.<sup>11</sup> These amended provisions were given effect to from 21 July 1952.<sup>12</sup> In 1956, a demand was made that there should be Question Hour on Fridays also. The Chairman pointed out that it was a decision of the House that there would be questions only for four days in a week in the Rajya Sabha.<sup>13</sup> Question Hour for four days a week, therefore, continued until September 1964.

The Committee set up to frame Draft Rules of Procedure under article 118 of the Constitution in its report submitted on 29 November 1963, proposed that the first hour of every sitting should be made available for questions. Accordingly, all the five sittings in a week were made available for the asking and answering of questions in the Rajya Sabha regularly from the 49<sup>th</sup> Session commencing on 9 September 1964.

### **Non-allotment of time for questions**

As the opening words “Unless the Chairman otherwise directs” in rule 38 make it clear, although the first hour of every sitting is available for questions and answers, the Chairman has the power to dispense with Question Hour or not allot a day or days for questions. The House may also decide to suspend Question Hour upon a motion or otherwise. There have been occasions when Question Hour was dispensed with for devoting more time to other business or Question Hour was not fixed during the whole session or some sittings during a session due to some special reasons.

On 15 March 1954, the Deputy Chairman announced that “in order to give more time to the consideration of the motion to refer the Hindu Marriage and Divorce Bill, 1952, to a Joint Committee,” there would be no Question Hour on 16 March 1954. Again on 18 March 1954, Question Hour was dispensed with for consideration and passing of the Press (Objectionable Matter) Amendment Bill, 1953.<sup>14</sup>

During the 33<sup>rd</sup> (1961), 93<sup>rd</sup> (1975), 98<sup>th</sup> (1976) and 99<sup>th</sup> (1977) Sessions there was no Question Hour as these sessions were summoned for special purposes, namely, Orissa Budget, approval of Proclamation of Emergency, Constitution (Forty-fourth Amendment) Bill, 1976 and approval of President’s Rule in Tamil Nadu and Nagaland, respectively.<sup>15</sup>

On 21 July 1975 (93<sup>rd</sup> Session), the Minister of State in the Department of Parliamentary Affairs moved the following motion:

That this House resolves that the current session of the Rajya Sabha being in the nature of an emergent session to transact certain urgent and important Government business, only Government business be transacted during the session and no other business whatsoever...be brought before or transacted in the House during the session and all relevant rules on the subject do hereby stand suspended to that extent.

After a lengthy debate including rejection of an amendment which sought saving of Question Hour, the motion was adopted. Before the motion was moved, some members sought to know under what provision of rule or direction, Question Hour was suspended till the motion was passed. The Chairman ruled:

...regarding allowing the Question Hour or not allowing the Question Hour, it is a point to be decided by me...rule 38 is very clear on this point...on my own considering the importance of the present situation, I have decided not to have the Question Hour. It is within the authority of the Chairman. He has used it independently of the Government or anybody else. Nobody can question it.<sup>16</sup>

A similar motion was adopted on 3 November 1976 (98<sup>th</sup> Session) and Question Hour was suspended.<sup>17</sup> During the 41<sup>st</sup> Session (1962) the Minister of Parliamentary Affairs held a meeting with leaders and representatives of various groups in the Opposition as also some other Members of Parliament and announced in the House that it was the unanimous opinion of those present at the meeting that Question Hour might be dispensed with w.e.f. 26 November 1962.<sup>18</sup>

During the 194<sup>th</sup> Session, the Chairman announced that in order to enable the House to discuss the situation arising out of the terrorist attack on Parliament House on 13 December 2001, the Question Hour may be dispensed with and, accordingly, the Question Hour was dispensed with on the 18 and 19 December 2001.<sup>19</sup>

Due to short or inadequate notice, on many occasions no Question Hour was fixed for the first few days of the commencement of the 75<sup>th</sup>, 100<sup>th</sup>, 101<sup>st</sup> and 112<sup>th</sup> Sessions.<sup>20</sup>

During the 78<sup>th</sup> Session, the House decided that with effect from 6 December 1971, there would be no Question Hour during the remaining part of the session (due to outbreak of war with Pakistan).<sup>21</sup>

During the 201<sup>st</sup> Session, there was no Question Hour as summons for the session was issued at a short notice.

During the 214<sup>th</sup> Session, the Chairman announced that in order to discuss the terrorist attack in Mumbai the Question Hour may be dispensed with and accordingly, the Question Hour was dispensed with on 11 December 2008.<sup>22</sup>

During the 216<sup>th</sup> Session, there was no Question Hour as it was a short session called for President's Address to both Houses of Parliament assembled together after constitution of 15<sup>th</sup> Lok Sabha.<sup>23</sup>

During the 219<sup>th</sup> Session, the Chairman announced that the Question Hour has been dispensed with to take up Short Duration Discussion on the price rise situation and accordingly, the Question Hour was dispensed with on 25 February 2010.<sup>24</sup>

During the 226<sup>th</sup> Session, the Chairman announced that on the request of several members to suspend the Question Hour, to discuss the

attacks on migrants from North-East Region of the country, the Question Hour is suspended and accordingly, the Question Hour was dispensed with on 17 August 2012.<sup>25</sup>

During the 227<sup>th</sup> Session, the Chairman announced that the Question Hour has been dispensed with to take up discussion on the Motion regarding FDI in Multi-brand Retail Sector and accordingly, the Question Hour was dispensed with on 7 December 2012.<sup>26</sup>

### Question Hour during extension of session

When the session is extended for a day or a few days beyond the originally scheduled date of its termination and such extension is announced not very much in advance, no Question Hour is fixed for the extended days of the sittings.<sup>27</sup> The Chair accordingly, announces that there would be no Question Hour while informing the House about extension of the session.

After the Chairman announced that the meetings of the House would be continued on 1, 2 and 4 August 1952, a member inquired whether Question Hour was going to be provided on the extended days of the session. The Chairman answered in the negative because of the heavy business.<sup>28</sup> After a few days when the matter came up, the Chairman observed, "We decided not to ask any questions hereafter, till the rest of the session."<sup>29</sup>

The 218<sup>th</sup> Session was extended for one day *i.e.* 22 December 2009 and no Question Hour was fixed on that day.<sup>30</sup>

The 220<sup>th</sup> Session was extended by two days, *i.e.*, up to 31 August 2010 and no Question Hour was fixed on those days.<sup>31</sup>

The first part of the 222<sup>nd</sup> Session was scheduled from 21 February upto 16 March 2011 and the second part from 4 April 2011 up to 21 April 2011. However, on the recommendations of the Business Advisory Committee, the first part of the session was extended up to 25 March 2011. There was no Question Hour during the extended period. The second part of the session scheduled from 4 to 21 April 2011 was cancelled.<sup>32</sup>

The 224<sup>th</sup> Session, originally scheduled to conclude on 21 December 2011 was extended initially by one day, *i.e.*, up to 22 December 2011 and subsequently by three days, *i.e.* 27 to 29 December 2011, on the recommendations of the Business Advisory Committee. There was no Question Hour during the extended period.<sup>33</sup>

The 229<sup>th</sup> Session, originally scheduled to conclude on 30 August 2013 was extended initially by five days, *i.e.* up to 6 September 2013 and

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subsequently by one day, *i.e.* 7 September 2013, on the recommendations of the Business Advisory Committee. There was no Question Hour during the extended period.<sup>34</sup>

If the decision to extend the session is taken sufficiently in advance which would give members adequate time for giving notices of questions during the extended period, the Question Hour is fixed on those days also.<sup>35</sup>

The 180<sup>th</sup> Session which was originally scheduled from 20 February to 9 May 1997 was extended upto 16 May 1997, and sittings from 30 April to 16 May were treated as the third phase of that session. However, Question Hour started from 5 May 1997. There was no Question Hour during the first three days, *i.e.*, 30 April 1997, 1 May 1997 (May day) and 2 May 1997.<sup>36</sup>

The 214<sup>th</sup> Session commenced on 17 October 2008 and was scheduled to adjourn on 21 November 2008. However, the House was adjourned on 24 October 2008 to meet again on 10 December 2008. The second part of the session continued up to 23 December 2008. During the second part of the session, the Question Hour was held.<sup>37</sup>

The 230<sup>th</sup> Session commenced on 5 December 2013 and was scheduled to adjourn on 20 December 2013. However, the House was adjourned *sine-die* on 18 December 2013. During the second part of the session which commenced on 5 February 2014 and adjourned *sine-die* on 21 February 2014, the Question Hour was held.<sup>38</sup>

However, there had been occasions when the decision to extend the session was taken sufficiently in advance but no Question Hour was fixed during the extended period.

By an announcement made on 27 June 1980, the 114<sup>th</sup> Session was extended upto 9 July 1980. There was no mention of Question Hour during the extended days of the session and no Question Hour was fixed on those days.<sup>39</sup>

The Business Advisory Committee recommended that the 160<sup>th</sup> Session be extended and the House should sit on 16, 17 and 18 September 1991. The recommendation was announced on 5 September 1991. No Question Hour was, however, fixed. The matter was raised in the House and the Deputy Chairman promised to convey the feeling to the Chairman.

It was again raised on the 17 September 1991.<sup>40</sup>

The 200<sup>th</sup> Session was extended by the Government for the passage of vote-on-account in view of the approaching elections and there was no Question Hour during that period.

When Question Hour is allotted for the additional days of the session, a chart showing the grouping of Ministries and Departments indicating the dates of questions and last dates for receipt of notices for those groups is issued for information of members and the same is also notified in the Bulletin.<sup>41</sup>

### Transfer of Question Hour due to cancellation of a sitting

Sometimes it had happened that sittings originally fixed on some days were cancelled on account of shifting of holidays of *Id*, *Muharram*, *Holi*, *Id-e-Milad/Milad-un-Nabi*, etc. and business including questions slated for those days was carried over to the new sitting day fixed *in lieu of* the cancelled sitting including Saturday.

Sitting of the House fixed for 5 December 1952, was cancelled and questions listed for that day were taken up on Saturday, 6 December 1952.<sup>42</sup>

Holiday on account of *Id-ul-zuha* was changed from 27 February 1969 to 28 February 1969. Questions, etc., put down for 28 February 1969, were shifted to previous day when the sitting was held.<sup>43</sup>

Holiday on account of *Holi* was changed from 5 March to 4 March 1969. Consequently, the business including the questions set down for 4 March was taken up on 5 March 1969.<sup>44</sup>

Holiday on account of *Muharram* was changed from 12 December to 11 December 1978. Consequently, the business including the questions set down for the 11 December 1978, was taken up on 12 December 1978.<sup>45</sup>

Holiday on account of *Id-e-Milad/Milad-un-Nabi* was changed from 7 July to 8 July 1998. Consequently, the business including the questions set down for Wednesday, the 8 July 1998, was taken up on Tuesday, the 7 July 1998.<sup>46</sup>

### Shifting of Question Hour

On 11 December 2012, when the House assembled for the Question Hour, several members interrupted the proceedings by displaying papers. Commenting on the frequent practice of the members disrupting the Question Hour, the Chairman observed:

A situation has arisen in which the Chair has to watch helplessly disruption of the Question Hour very frequently. I, therefore, propose to call a meeting of the Rules Committee and put before the members

of the Committee two options. One, that the Question Hour be moved to another part of the day. Two, since members don't seem to attach very great importance to the questions being answered, the Question Hour be dispensed with altogether.<sup>47</sup>

### **Notice of breach of privilege by some members regarding infringement of their rights as members of the House**

There was an instance in Rajya Sabha in February 2008, when due to disturbances in the House, some members were unable to raise questions during the Question Hour. Shri Santosh Bagrodia and some members gave joint notice of breach of privilege against some members who did not allow the House to run. As a result thereof they could not have the benefit of getting the replies of their questions from the Government which caused infringements of their rights as members of the House which was referred to the Committee of Privileges for examination, investigation, and report. The Committee of Privileges presented its Fifty fourth Report on the 7 July 2009. This has been dealt in Chapter-8 on Privileges.

### **Suspension of Question Hour**

Technically, there is no specific provision in the Rules of Procedure of the Rajya Sabha for suspension of Question Hour. However, in practice whenever a member desires to move a motion for suspension of rule 38 relating to questions he has to take recourse to rule 267 relating to suspension of a rule and he can move such a motion only with the consent of the Chairman.

There have been instances when the Chairman has withheld the consent to the moving of a motion for suspension of Question Hour or otherwise has not agreed to suspend Question Hour as requested by members.<sup>48</sup>

For the first time in the Rajya Sabha a request was made that Question Hour should be suspended to discuss the situation in West Bengal arising out of the dismissal of the Government there. The Chairman did not allow as, he said, there was no motion before him for the purpose.<sup>49</sup>

On an occasion, a member who had given notice to suspend Question Hour was permitted to submit why Chair should grant consent and eventually the Question Hour was lost.<sup>50</sup>

On another occasion, a notice was received for suspension of Question Hour on the issue of leakage of Liberhan Commission report. The Chairman allowed a member to speak on the admissibility of the

notice for suspension of Question Hour as the Business Advisory Committee had already identified the issue of “speedy disposal of Babri Masjid case and tabling of Liberhan Commission Report” for discussion. Some members spoke on the issue to which the Minister of State for Parliamentary Affairs responded. In the process the entire Question Hour was over and, therefore, questions could not be taken up for oral answers.<sup>51</sup>

On 17 December 2009, the Leader of Opposition requested the Chairman to suspend the Question Hour. The Chairman asked him if he wanted to say something on the matter. When he gave an affirmative reply, the Chairman permitted him to do so. Two other members also expressed their desire to speak and their request to do so was acceded to by the Chairman. The Chairman then stated that the Government would respond to it at an appropriate time and thereafter the Question Hour continued.<sup>52</sup>

Some of the issues on which request for suspension of Question Hour was sought but was not agreed to, were:

*Kutch Tribunal Award:* The Chairman informed that the Prime Minister would be making a statement on the issue and there would be discussion thereafter.<sup>53</sup>

*Teachers' strike in U.P.:* The Chairman ruled that he was not prepared to suspend the question time and questions must go on.<sup>54</sup>

*Lathi-charge on students and teachers in Allahabad jail:* The Chairman informed that a calling attention on the subject had been admitted and would come up the next day.<sup>55</sup>

Some members had given notices for the suspension of Question Hour to take up a breach of privilege notice against the Prime Minister for allegedly making a false and misleading statement deliberately in the Rajya Sabha about the existence of middlemen and payment of kickbacks for the purchase of Bofors Guns. After hearing the members, the Deputy Chairman ruled that Question Hour could not be suspended for the purpose.<sup>56</sup>

*Escape of alleged killers of Shri Rajiv Gandhi:* The Chairman observed that Question Hour had precedence over everything else. If it was desired not to have Question Hour, a motion should be moved and he had no objection if the House so wished.<sup>57</sup>

*Ayodhya issue:* When some members sought to move a motion to suspend Question Hour, the Leader of the House requested them not to press it in view of previous day's discussion on the issue.

The Chairman made the following observations, after which Question Hour proceeded:

I would like to submit, suspension of the Question Hour is a very serious matter affecting the interest of the House as a whole, every member of the House, especially the back benchers of this House. As you know, a decision has been taken at the Conference of the Presiding Officers that the Question Hour will never be suspended. Therefore, I would like to appeal to you, this matter can be discussed after forty-five minutes, as suggested by the hon'ble Home Minister. Now we should go ahead with the Question Hour. I do not think any emergency will be there in the next forty minutes. It is in the interest of the House, as a whole to go ahead with the Question Hour.<sup>58</sup>

*Coal scam:* When a Member sought suspension of Question Hour, the Chairman observed that the Question Hour cannot be suspended.<sup>59</sup>

There have also been instances when motions to suspend Question Hour were put to vote and negatived.<sup>60</sup>

There have been instances when consent to move motions for suspension of Question Hour was given and they were adopted or there was consensus for the same and Question Hour was suspended or dispensed with to discuss such urgent matters as developments in Andhra Pradesh,<sup>61</sup> Kashmir situation,<sup>62</sup> Meham incident (this was discussed on two occasions and on the first occasion the motion to suspend Question Hour was adopted by a division),<sup>63</sup> status of Congress (I) as opposition party,<sup>64</sup> Gulf War situation,<sup>65</sup> Ayodhya issue (the motion to suspend Question Hour was adopted by a division),<sup>66</sup> resolution condemning Ayodhya incident,<sup>67</sup> destruction of Charare-Sharief in Kashmir,<sup>68</sup> railway accident involving Purushottam Express and Kalindi Express trains,<sup>69</sup> situation arising out of terrorist attack on Parliament,<sup>70</sup> issue relating to corruption at high places in the context of revelations in relation to an Ex-Minister.<sup>71</sup>

On an occasion, consent to move the motion for suspension of Question Hour to discuss firing on farmers in Andhra Pradesh was given but the member giving notice did not move it and Question Hour proceeded.<sup>72</sup>

On another occasion, a member was allowed by the Chairman to move a motion for suspension of Question Hour. The motion could not be voted upon by 12.00 noon. When insisted upon by the member for voting, the Chair ruled that since the Question Hour is over at 12.00 noon the motion has become infructuous.<sup>73</sup>

On another occasion, the Chairman accepted a notice given by the Leader of Opposition to suspend the Question Hour to allow the House to debate the Lokpal and Lokayuktas Bill, 2011.<sup>74</sup>

On a number of occasions, Question Hour was not dispensed with formally or otherwise but questions could not be taken up for oral answers owing to disorder, uproarious scenes or members making submissions throughout Question Hour about certain matters or pleading with the Chair for its suspension or the House had to be adjourned frequently. Some of the issues due to which no questions could be taken up for oral answers were:

New nomenclature of Ministers/Ministries;<sup>75</sup> arrest and detention of a lady member;<sup>76</sup> water crisis in Delhi;<sup>77</sup> irregularities in granting income tax exemptions to certain Trusts in Maharashtra;<sup>78</sup> J & K situation;<sup>79</sup> postponement of elections to Bihar Legislative Assembly;<sup>80</sup> rescheduling of Bihar Legislative Assembly elections;<sup>81</sup> atrocities on women in Gaya by CRPF;<sup>82</sup> imposition of President's Rule in Bihar;<sup>83</sup> Vohra Committee Report on nexus between criminals and politicians;<sup>84</sup> Telecommunication Policy (175<sup>th</sup> Session); Hawala Transactions (176<sup>th</sup> Session), Tehelka.com revelation (192<sup>nd</sup> Session), CAG Report on defence procurement (194<sup>th</sup> session); Demand for JPC on 2G spectrum allocation (221<sup>st</sup> Session); CAG report on Allocation of Coal and Augmentation of Production (226<sup>th</sup> Session); FDI in Multi-brand retail and Constitution (Amendment) Bill providing for reservation for SCs and STs in Government jobs (227<sup>th</sup> Session); vetting of CBI report on coalgate scam by the Law Ministry (228<sup>th</sup> Session); and Opposition to creation of separate State of Telangana (230<sup>th</sup> Session).

On an occasion, a member who had given notice to suspend Question Hour to discuss CAG report on defence procurement, was permitted by the Chairman to raise the matter without suspending the Question Hour. When some members objected to the matter being raised during the Question Hour, the Chairman ruled: "Please hear me. I have allowed him to raise the issue. The Leader of the House will respond and if the response and everything continues, Question Hour will begin".

The discussion went on for forty-five minutes. Thereafter, starred question no. 301 was called which was asked by a member and the answer was given by the Minister amidst noisy scenes. The House was, however, adjourned owing to uproarious scenes.<sup>85</sup>

During the 209<sup>th</sup> Session, some members demanded suspension of Question Hour for raising the issue of desecration of statue of Dr. B.R. Ambedkar at Kanpur, Uttar Pradesh. The House passed a resolution condemning that act and questions could not be taken up for oral answers on that day.<sup>86</sup>

During 210<sup>th</sup> Session, the Chairman permitted some members to raise the issue of Indo-US nuclear deal to which the Minister of Parliamentary Affairs responded. Thereafter questions were taken up for oral answers.<sup>87</sup>

During 211<sup>th</sup> Session, the Chairman made a reference to the twin bomb blasts in Hyderabad and allowed submission by some members in respect to that incident. The House was, however, adjourned at 11.55 a.m. due to disruption by members and questions could be taken up for oral answers.<sup>88</sup>

During the 228<sup>th</sup> Session, the Chairman made a reference on the occasion of International Women's Day and allowed members to speak on the occasion. Questions could not be taken up for oral answers on that day.<sup>89</sup>

### Extension of Question Hour

The making and subscribing of oath or affirmation by the newly elected/nominated members and obituary and other references such as felicitations/greetings, introduction of Ministers, welcome to new members, etc. are the first items taken up by the House. When the Question Hour used to be the first hour, the time spent on oath, obituary references, etc. was taken into account as part of the Question Hour. Earlier, during pre-2014 period, there had been many occasions when the entire first hour had been spent on obituaries, etc. Question Hour is not extended beyond the earmarked hour, at the end of which the Chair formally declares "Question Hour is over". The Chair does not agree to extend Question Hour to make good the loss of time of Question Hour on other items such as obituaries, felicitations, etc. or to cover the next question<sup>90</sup> or complete a reply to a supplementary question.

On an occasion, when a member pleaded, after Question Hour was over, that the next question was important, the Chairman observed:

"Usually the first hour is for questions; whatever may be the other question, we must terminate questions at 12 o'clock."<sup>91</sup>

After the Chairman declared Question Hour over, a member referred to a question standing in that day's list for answer by the Home Minister which was addressed by the member to the Prime Minister. The Chairman observed, "It is an established convention that we do not refer to questions once the Question Hour is over."<sup>92</sup>

After the Question Hour was over, a member wanted to ask a supplementary question as reply to only half of his question had been given. The Chairman did not agree to give further opportunities after the question time was over.<sup>93</sup>

On an occasion, points were raised during Question Hour regarding the designations of Ministers in Hindi. The entire Question Hour was occupied

by the points and no questions could be taken up. A member suggested that under rule 38, Chairman could continue Question Hour. The Chairman did not agree.<sup>94</sup>

After the Question Hour was declared over, it was requested that the Minister should be permitted to give reply to a supplementary question that had been put during Question Hour. The Chair did not agree. However, later in that day the Minister was allowed to make a statement.<sup>95</sup> The next day, the Chairman gave the following ruling:

“...duration of the Question Hour should not normally be extended either for purposes of continuing the discussion sought by non-official member or for the Government for keeping the records straight. The Ministers have, no doubt, the right to come to the House and with the consent of the Chair make pronouncement or official statement or clarification or to rebut a charge levelled against them. This may be done during the sitting of the House even if the original charge is made during the Question Hour. Similarly, the non-official members have the means of seeking further discussion on issues which they think have not been adequately raised during the Question Hour.”<sup>96</sup>

For about forty-five minutes during Question Hour members raised a matter regarding developments in Bihar and only two questions could be covered. After the Question Hour was over, some members suggested that Question Hour should be extended by half-an-hour as an important question regarding victimisation of employees, which was in the question list could be discussed. The Chairman did not agree.<sup>97</sup>

On an occasion the entire Question Hour was taken away by oaths and obituary references. A member suggested that Question Hour should be extended by an hour to discuss closure of industrial units which was the fourteenth question in the list of starred questions. The Chairman observed that he could not enlarge the Question Hour; it was a convention.<sup>98</sup>

After Question Hour was declared over, a member continued to ask a supplementary question but the Chair declared that the Minister could not respond to him as the time was over.<sup>99</sup>

On a number of occasions when Ministers wanted to complete the replies to questions asked earlier, the Chairman did not permit as Question Hour was over, observing, “The Minister’s answer will stop now” or “After the Question Hour is over, even the Minister cannot continue.”<sup>100</sup>

After the Chairman declared Question Hour as over, the Minister said, “Sir, I may add one thing”. The Chairman said, “You cannot”.<sup>101</sup>

On another occasion the Chairman announced twice that Question Hour was over. When the Minister said that she wanted to clarify, the Chairman said, “No” and ended Question Hour by announcing the third time that Question Hour was over.<sup>102</sup>

When the Prime Minister was answering a question and had not completed his reply, the Chairman declared that Question Hour was over. Some members demanded that the Prime Minister should be permitted to complete the statement. The Chairman did not agree.<sup>103</sup>

On some occasions, Ministers have been permitted to reply to supplementary questions or complete the reply after Question Hour was over, thus resulting in the extension of Question Hour by a few minutes for the purpose.<sup>104</sup>

When the Chairman declared that Question Hour was over, some members suggested that the Minister should be allowed to complete the reply. The Chairman observed (addressing the Minister), “If you will take only two or three minutes, I do not mind”. Then the Minister completed the reply within two minutes.<sup>105</sup>

After Question Hour was declared over, it was extended by eighteen minutes due to spate of points of order on a question regarding Pondicherry Licence Case. Question Hour was declared over only after the Deputy Chairman disposed the points of order.<sup>106</sup>

The Deputy Chairman declaring that Question Hour was over suggested to the concerned Minister that he should call members who had asked the question to his office and discuss the matter. Thereafter, the Minister gave a reply to the supplementary.<sup>107</sup>

On an occasion the Chairman observed, “Question Hour is over but let the reply be furnished.” Thereafter, the Prime Minister completed the answer. When a member suggested that there should be an extended Question Hour that day, the Chairman declined and again declared that Question Hour was over.<sup>108</sup>

### **Early end of Question Hour**

While on occasions members have demanded extension of Question Hour and the Chair has generally not agreed or agreed rarely as mentioned above, on occasions (though few and far between) Question Hour had ended earlier due to exhaustion of the list of questions. For instance, once the Chairman observed, “It is quite an event that we have finished questions before the Question Hour is over.”<sup>109</sup> On another occasion the Chairman announced, “There is no further question. The Question Hour is not yet quite over but the list is over, almost a historic event.”<sup>110</sup> Again, once

Question Hour was over two minutes early, while on another occasion it was over five minutes early.<sup>111</sup>

### Point of order during Question Hour

No point of order is generally permitted to be raised during Question Hour. Two reasons appear to be behind this restriction. First, Question Hour is available ordinarily for asking and answering of questions only. Secondly, if a point of order is permitted during Question Hour then it may act as a break on the progress of questions and answers during the limited time available for the purpose and eventually that hour may be lost. As the Chairman once observed, “We should not cut down the Question Hour by raising points of order.”<sup>112</sup> On another occasion the Chairman stated, “There is a rule in this House...During Question Hour no point of order can be raised.”<sup>113</sup>

On an occasion, a member rose on a point of order during Question Hour to bring to the Chairman’s notice that the Chairman had allowed 2-3 members to raise point of order in spite of the Chairman’s ruling that no member would be allowed to raise a point of order during Question Hour. The member wanted to know the correct position. The Chairman observed:

Points of order are being raised at every step unfortunately from all sides of the House. It is unfortunate. If we really want more questions to be answered, we must make a determination in our minds and conscientiously feel that we should not have any points of order during the Question Hour.<sup>114</sup>

On another occasion, when some members were raising points of order, another member suggested that it was time that the Chairman should announce that there should not be any point of order during Question Hour because the question time was unnecessarily being wasted. The Chairman observed:

I have repeatedly said that the rule is that unless there is a very extraordinary case, there should be no point of order during the Question Hour and under cover of points of order a debate should never be allowed.<sup>115</sup>

On an occasion when a member tried to raise a point of order arising out of alleged wrong and misleading information given to the House by the Ministers, the Chairman observed:

I have already said that during Question Hour no points of order should be raised unless there is some clear violation of procedure or some extraordinary point.

When a member asked how the Chairman could decide whether there was an extraordinary point or not without listening to the member, the Chairman observed:

He has already said that a point of order arises out of misleading answers given by the Ministers. Now, misleading answers or wrong answers do not give rise to a point of order.

Due to persistence of the member, however, the Chairman permitted the member to put his point to enable the Chairman to “see what the extraordinary point” was.<sup>116</sup>

A member rose on a point of order to challenge the reply of the Prime Minister to a question. The Chairman ruled that a member was entitled to challenge a wrong statement not during Question Hour but at some other time. The next day the member raised the matter and the Prime Minister clarified it.<sup>117</sup>

However, as observed by the Chairman, there could be some extraordinary point or violation of procedure which may necessitate permitting points of order even during Question Hour and there have been quite a few such instances.<sup>118</sup> On occasions, points of order have been permitted to be raised regarding (i) admissibility of question with reference to rule 51 before Question Hour commenced;<sup>119</sup> (ii) reduction in the coverage of questions;<sup>120</sup> (iii) postponement of a question in the midst as well as after Question Hour.<sup>121</sup>

On an occasion, the Chairman permitted a member to raise a point at the commencement of Question Hour regarding “Constitutional and moral validity of the Government”. The member’s contention was that the Government was in minority. The Chairman ruled out the point of order saying that it was the President who had power to appoint the Prime Minister and his Government. It was the other House to which the Government was responsible.<sup>122</sup>

Spate of points of order were permitted on the question relating to Pondicherry Licence Case (SQ no. 730). Question Hour was extended by eighteen minutes and it ended with the Deputy Chairman’s direction to the Government to verify the signatures of Members of Parliament named in the answer to the question and report to the House.<sup>123</sup>

A point of order was permitted to be raised during Question Hour on the issue of competence of a Minister to answer a question when he had retired from the membership of the Rajya Sabha.<sup>124</sup>

### **Disposal of questions in some contingencies**

There may occur many contingencies or situations when Question Hour may not take place due to reasons like suspension of Question Hour,

cancellation of a sitting, adjournment due to demise of a member or other high personage, uproarious or disorderly scenes, members making submissions on other issues and so on.

When the questions are not taken up because of the entire time having been spent on oath/obituary, etc., all starred questions for the day are treated as unstarred and their answers together with the answers to the unstarred questions are printed in the debates for that day.<sup>125</sup>

When the House is adjourned after making obituary reference, without transaction of any other business as a mark of respect to the memory of the departed, starred questions listed for that day are treated as unstarred questions for the next sitting of the House and answers to them together with the answers to the unstarred questions for that day are deemed to have been laid on the Table of the House and included and indicated in the printed debates of the next sitting accordingly. No separate announcement is made in the House.<sup>126</sup>

On an occasion, the House adjourned without transacting any business due to the demise of a member. Answers to questions admitted for that day were not laid on the Table of the House on the next day which was a Friday on which there was no Question Hour fixed, but were laid on the following Monday.<sup>127</sup>

On an occasion, the Chairman informed that answers to questions and short notice questions entered in the list of business for the previous day would be treated as laid on the Table of the House on that day. On the previous day the House had adjourned without transacting any business as a mark of respect to the memory of Shri Feroze Gandhi.<sup>128</sup>

However, on one occasion when the House adjourned, after obituary reference, as a mark of respect to the memory of the former Chairman, Shri M. Hidayatullah, the answers to questions listed for that day were deemed to have been laid on the Table of the House on the same day, which was a departure from the usual practice.<sup>129</sup>

In case the House adjourns after obituary reference or otherwise, without taking up the questions and meets again after sometime the same day, the replies to questions are deemed to have been laid on the Table of the House and printed in the debates of that day.

The House adjourned after making obituary reference to the passing away of Shri M.B. Rana, Minister of State in the Ministry of Industrial Development, to meet again at 5.30 p.m. on that day. Answers to questions were included in the printed debate of that day immediately after the proceedings relating to obituary reference.<sup>130</sup>

When the sitting of the House is cancelled, the answers to questions listed for that day are laid on the Table of the House at the next sitting of the House.<sup>131</sup>

The House adjourned immediately after commencement of the sitting on account of Guru Ravi Das Birthday. The answers to questions listed for that day were laid on the Table of the House the next day.<sup>132</sup>

Sitting of 7 March 1991 was adjourned at 11.02 a.m. after laying of copies of resignation letter of the Prime Minister and the President's letter. Answers to questions listed for that day were laid on the Table of the House on 11 March 1991 when the House met again.<sup>133</sup>

Consequent upon the cancellation of the sittings of the Rajya Sabha fixed for Friday, 11 August and Monday, 14 August 1995, all the questions entered in the lists of questions for both the days along with their answers were laid on the Table of the House on Wednesday, 16 August 1995.<sup>134</sup>

Starred question nos. 123 and 124 were addressed to the Finance Minister. Although the Minister of Finance was prepared to answer the questions, he was permitted to go as he was unwell. Answers to the questions were laid on the Table of the House.<sup>135</sup>

When Question Hour is suspended by adoption of a motion to that effect or by consensus, starred questions listed for that day are treated as unstarred questions and answers thereto and those of unstarred questions are laid on the Table of the House the same day.<sup>136</sup> In case the motion is negated, Question Hour proceeds, time permitting.<sup>137</sup> If time runs out, starred questions are treated as unstarred and their answers together with those of unstarred questions listed are deemed to be laid on the Table of the House for that day.<sup>138</sup> If members make submissions for suspension of Question Hour and the submissions go on for the entire question time, answers to questions listed for that day are laid on the Table of the House the same day.<sup>139</sup>

If the House is adjourned due to interruptions, disorderly scenes, etc. during Question Hour, answers to questions listed on that day are deemed to be laid on the Table of the House on that day.<sup>140</sup>

If instead of questions, members raise other issues which consume the entire time of Question Hour, answers to questions listed are laid on the Table of the House the same day.<sup>141</sup>

On 24 May 1971, members raised a matter at the commencement of Question Hour regarding printing of designations of Ministers in Hindi

in the English version of list of questions and the entire question time was spent on the issue. Answers to all the questions listed for the day were laid on the Table of the House the same day.<sup>142</sup>

When Question Hour is dispensed with, specifically to provide more time for other business, the starred questions listed for that day are treated as unstarred questions and answers thereto are laid on the Table of the House on the same day.<sup>143</sup>

When sittings of the House towards the end of the session are cancelled *i.e.* when the remaining part of a session is cancelled or in other words the session is terminated earlier than the scheduled date, lists of questions already circulated and notices of questions given for those days lapse.<sup>144</sup>

The Deputy Chairman announced that the Rajya Sabha would adjourn *sine die* on 15 December 1961 and sittings of the House fixed from 18 to 22 December 1961, were cancelled. Notices of questions given for those days, therefore, lapsed.<sup>145</sup>

The 194<sup>th</sup> Session of the Rajya Sabha was adjourned *sine die* on 19 December 2001 and sittings of the House fixed for 20 and 21 December 2001 were cancelled. Notices given for those days, therefore lapsed.<sup>146</sup>

The 210<sup>th</sup> Session of the Rajya Sabha was adjourned *sine die* on 17 May 2007 and sittings of the House fixed for 18, 21 and 22 May 2007 were cancelled. Notices given for those days, therefore lapsed.<sup>147</sup>

The 211<sup>th</sup> Session of the Rajya Sabha was adjourned *sine die* on 10 September 2007 and sittings of the House fixed for 11, 12, 13 and 14 September 2007 were cancelled. Notices given for those days, therefore lapsed.<sup>148</sup>

Consequent upon the adjournment of the 213<sup>th</sup> Session of the House *sine die* on 6 May 2008, the sittings of the House slated for 7, 8 and 9 May 2007 were cancelled and all the notices of questions given for those days, therefore lapsed.<sup>149</sup>

The 228<sup>th</sup> Session of the Rajya Sabha was adjourned *sine die* on 8 May 2013 and sittings of the House fixed for 9 and 10 May 2013 were cancelled. Notices of questions given for those days, therefore lapsed.<sup>150</sup>

The 230<sup>th</sup> Session (first part) of the Rajya Sabha was adjourned *sine die* on 18 December 2013 and sittings of the House fixed for 19 and 20 December 2013 were cancelled. Notices of questions for those days, therefore, lapsed.<sup>151</sup>

When a sitting is cancelled and there are no other sittings for that group of questions during the session, notices of questions though already listed lapse on the prorogation of the House.<sup>152</sup>

Consequent on the cancellation of sittings on 25 and 26 August 1988, notices of questions given for 25 August (Group IV) were considered for 1 September 1988. Notices for 26 August were treated as lapsed since there was no subsequent question day for Group V during that session.<sup>153</sup>

Sitting of 24 December 1993, was cancelled. It was announced that questions listed for that day were treated as lapsed since there was no subsequent answer day for that group in that session. However, the session was extended and questions and answers thereto were deemed to be laid on the first extended day (*i.e.* 29 December 1993).<sup>154</sup>

On an occasion the Business Advisory Committee at its meeting held on 16 July 1991, *inter alia*, recommended that the sitting of the House fixed for Monday, 22 July 1991 (which preceded the holiday on account of *Muharram*) be cancelled and the notices of questions given for that day should stand lapsed.<sup>155</sup> Accordingly, a footnote appeared in the proceedings of the House of the next sitting, *i.e.*, 24 July 1991.<sup>156</sup>

On another occasion, the Motion of Confidence in the Council of Ministers was scheduled to be discussed in the Lok Sabha on 15, 16 and 17 April 1999 and hence the Leader of the House put forward a suggestion to adjourn the House till Monday, 19 April 1999. The Leader of the Opposition agreed to the suggestion and taking the sense of the House, the Chairman adjourned the House. The Motion of Confidence was defeated in the Lok Sabha on 17 April 1999. However, answers to questions for 15, 16 and 19 were treated as laid on the Table of the House. The lists of questions printed/circulated and notices of questions received for 20 April 1999 onwards were treated as cancelled/lapsed.<sup>157</sup> An O.M. to this effect was also sent to the Parliament Section of all the Ministries/Departments of the Government of India.

The 214<sup>th</sup> Session was scheduled from 17 October 2008 to 21 November 2008. The House was adjourned on 24 October 2008 to meet again on 10 December 2008. Notices of questions already received for the remaining dates of the session were carried forward and considered for answer on later dates when the House resumed its sitting on 10 December 2008. However, printed lists of questions for 27 and 29 October 2008 already circulated were cancelled.<sup>158</sup>

### Notice of questions by members

Unless the Chairman otherwise directs, a member is required to give not less than fifteen clear days' notice of a question. On 4 July 1996, the Chairman issued a direction that the notice period should be not more than

21 clear days and this direction came into effect from 5 July 1996.<sup>159</sup> But, in view of the immense inconvenience caused to the members, the Chairman reconsidered the direction and decided to do away with that restriction *w.e.f.* 5 May 1998.<sup>160</sup> In counting the period of fifteen clear days, both the date on which the notice is received in the Secretariat and the date on which the question, if admitted, will be put down for answer, are excluded.

Earlier, the notice period for questions was ten clear days which was extended to fifteen days as per the direction issued by the Chairman on the recommendation of the General Purposes Committee.<sup>161</sup> Subsequently, the Committee on Rules recommended a formal amendment to rule 39.<sup>162</sup> The amendment, as adopted by the House on 30 May 1995 came into force with effect from 15 June 1995 (174<sup>th</sup> Session).<sup>163</sup>

When time period between issue of summons and commencement of the session is less than fifteen clear days, the Chairman by invoking his power under rule 39 relaxes the 15 clear days period.<sup>164</sup>

After the issue of direction, during the 173<sup>rd</sup> Session when the time for notices for the first allotted day for questions, *i.e.*, 14 February 1995, fell short of fifteen days, the Chairman relaxed the notice period to ten clear days. The Chairman also reduced the period of giving notices of questions for 27, 28, 29, 30 November and 1 December 1995 from fifteen clear days to ten, eleven, twelve, thirteen and fourteen clear days respectively during the 175<sup>th</sup> Session.<sup>165</sup>

After the issue of summons for the 224<sup>th</sup> Session, when the time for the first two sittings *i.e.*, 22 and 23 November 2011 fell short of fifteen clear working days, the Chairman relaxed the notice period for giving notices of questions for 22 and 23 November 2011 to thirteen and fourteen clear days, respectively. Accordingly, the ballots for determining the, *inter se*, priority of members for including their questions in the list of questions for answer on 22 and 23 November 2011 were held on 8 November 2011, together with ballot for the sitting of 24 November 2011.<sup>166</sup>

Following the issue of summons for the 226<sup>th</sup> Session, as time fell short of fifteen days, the Chairman relaxed the notice period for giving notices of questions for 8 and 9 August 2012 to thirteen and fourteen clear days, respectively. Accordingly, the ballots for determining the, *inter se*, priority of members for including their questions in the list of questions for answer on 8 and 9 August 2012 were held on 25 July 2012.<sup>167</sup>

Following the issue of summons for the 228<sup>th</sup> Session, as time fell short of fifteen clear days, the Chairman relaxed the notice period for giving notices of questions for 22 and 26 February 2013 to ten and

fourteen clear days, respectively. Accordingly, the ballots for determining the, *inter se*, priority of members for including their questions in the list of questions for answer on 22 and 26 February 2013 were held on 11 February 2013, together with ballot for the sitting of 27 February 2013.<sup>168</sup>

After the issue of summons for the 229<sup>th</sup> Session, as time fell short for giving notices of questions for 5, 6 and 7 August 2013, the notice period was relaxed to twelve, thirteen and fourteen clear days, respectively. Accordingly, the ballot for determining the, *inter se*, priority of members for including their questions in the list of questions for answer on 5, 6 and 7 August 2013 were held on 23 July 2013, together with ballot for the sitting of 8 August 2013.<sup>169</sup>

Notices of questions for the last days of a session which fall short of the required notice period as well as notices which lapse on the termination of the session are returned to members.<sup>170</sup>

The notices of questions given by members lapse on the expiry of their term in the Rajya Sabha even if they are re-elected. This matter was discussed in great detail when the name of a member was excluded from the list of members who were slated to raise calling attention on the next day as he retired the previous day. The Chairman gave the ruling:

I think the notice which Shri Bhupesh Gupta gave lapsed on the termination of his membership. At the time, when this agenda started, there was no notice by him.<sup>171</sup>

During 225<sup>th</sup> Session, the term of office of a member expired on 2 April 2012 from Rajya Sabha. The member, however, got re-elected. Notices of questions given by him during the first half of the Budget Session for answer were considered as fresh notices on the written request from him.<sup>172</sup>

The sittings of the House scheduled for 12 and 13 April 1999 were cancelled in order to commemorate the Tercentenary Celebrations of Khalsa Panth. The notices received for those days were considered for the subsequent sittings in Groups I and II, respectively.<sup>173</sup>

When during the second part of the 180<sup>th</sup> Session which was scheduled to commence from 21 April 1997, the Deve Gowda Government lost its majority in the Lok Sabha owing to withdrawal of support by the Congress, the lists of questions printed/circulated and all the notices of questions received for the said part were treated as lapsed.<sup>174</sup>

In the meanwhile, the Gujral Government was sworn in and the third phase of the 180<sup>th</sup> Session was scheduled to commence from 30 April 1997. On the request of some members all the notices of questions given by

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members for the second phase of the session, in supersession of the earlier Bulletin, were revived and considered after suitable adjustment of dates, groups and Ministries.<sup>175</sup>

A chart showing the last dates of receipt of notices of questions and the date of ballot for each sitting is circulated to members along with summons. A paragraph regarding the procedure for questions is also included in the Bulletin issued at the commencement of the session.

### **Form of notice of questions**

Notice of a question is given by a member in writing addressed to the Secretary-General and the text of the question is required to specify (a) the official designation of the Minister to whom it is addressed and (b) the date on which the question is proposed to be placed on the list of questions for answers.<sup>176</sup>

In order to enable members to address their questions correctly to the Ministers concerned with the subject-matter of the notice, a booklet showing subjects for which various Ministries are responsible is prepared biennially by the Secretariat on the basis of information collected from the Cabinet Secretariat and circulated to members.

Notices of questions are received on all working days in the Rajya Sabha Notice Office between 10.00 a.m. and 4.00 p.m., as notified in the Bulletin, after the issue of summons for the session.<sup>177</sup> Subsequently, it has been modified for different classes of business as indicated in Bulletin Part-II, prior to commencement of every session.<sup>178</sup> A paragraph regarding allotment of days for answering questions by Ministers is notified in the Bulletin.

Notice of each question is required to be signed by a member separately. Unsigned notices of questions are not accepted and they are returned to the members concerned for signatures. No other person can sign the notice of a question for or on behalf of the member.

Members are required to give notices of their questions in English or Hindi only. A member must specify only one date and not alternative dates for answer to a question.

For the convenience of members, standardised printed forms for giving notices of questions – starred, unstarred and short notice – are made available to them in the Rajya Sabha Notice Office. In accordance with the decision taken by the General Purposes Committee, from the

200<sup>th</sup> Session onwards, the forms for giving notices of starred and unstarred questions are serially numbered calendar year-wise and are made available to members on their written requisitions only.<sup>179</sup> Separate Standard year-wise serially numbered notice forms for asking starred/unstarred and short notice questions are got printed. Starred questions derive their name from the fact that they are always distinguished by an asterisk. Printed forms for giving notices of starred and unstarred questions are of pink and yellow colour, respectively. As per the direction of the Chairman issued on 4 July 1996, the text of the notice of a question has to be typed or neatly handwritten on the printed form. A notice on which the text is either stapled or pasted on the form is not entertained and such a notice is returned to the member concerned.

### Notice to Ministers

Unless the Chairman otherwise directs, no question is placed on the list of questions for answers until five days have expired from the day when notice of such question has been sent to the concerned Minister.<sup>180</sup>

Earlier, with a view to enabling the Ministries to collect material for preparation of replies to questions, Xerox copies of notices of all questions after their receipt in the Secretariat were sent to the Government under an informal arrangement. However, after the decision to admit a question was taken, advance copies of all such questions are also supplied to Ministries superscribed at the top as "Provisionally Admitted Question"(PAQ). Xerox copies of notices of questions as also provisionally admitted questions were collected by the representatives of the Ministries from the Rajya Sabha Secretariat under an informal arrangement so that they have more time to prepare their replies. The practice of sending Xerox copies of all the notices of questions was discontinued by GPC *vide* decision taken in its meeting held on 24 January 2003. It was also decided in the meeting that henceforth copies of notices of only PAQs may be sent to the Ministries concerned. The practice was however further revised in 2011 and now provisionally admitted questions are sent to the Ministries through e-mail superscribing at the top as 'PAQ'. Ministries are informed of this procedure through an OM issued at the commencement of every session. The printed lists of questions are also put on the Rajya Sabha website under the link <http://rajyasabha.nic.in/>. But the printed lists of questions for answer on a particular day are supplied to them five days before the due date of answer, as prescribed by the rule mentioned above.

### Types of questions

There are three categories of questions, namely, a question for oral answer which is tabled with the intention that it should be given an oral

answer in the House during question time; a question for written answer which is not taken up in the House but the written answer to which is deemed to be laid on the Table of the House at the end of the questions for oral answers and is printed in the official proceedings of the House; and a question for oral answer with a notice shorter than the period mentioned in rule 39 (*i.e.*, fifteen clear days which was previously ten days).

A member who desires an oral answer to his question is required to distinguish it by an asterisk (\*). If he does not so distinguish it, the question, if admitted, is printed in the list of questions for written answers.<sup>181</sup>

### Limit on number of questions

On 13 November 1962, during the emergency, the Chairman, after meeting with the Leader of the House, Minister of Parliamentary Affairs and the leaders and representatives of all the opposition groups in Rajya Sabha, announced that not more than five questions, both starred and unstarred combined, by one member, should be placed on the lists of questions for any one day and out of these not more than three questions should be placed on the list of questions for oral answers. He also announced that not more than thirty questions should be placed on the list of questions for oral answers on any one day. These changes came to effect from 19 November 1962. The overall limit for oral answers or starred questions per day, was reduced to twenty, as announced by the Chairman in consultation with the Committee on Rules.<sup>182</sup>

As per the direction of the Chairman issued on 4 July 1996, notice of a question was to be given not earlier than 21 clear days from the date for which it was intended. Notice of a question received before 21 clear days was not accepted in the Notice Office and in case the same was received through mail, no action was taken thereon and the same was returned to the member in original. But this restriction has since been done away with.<sup>183</sup> Not more than seven notices of questions of a member for a single day alone are considered in the order of preferences marked by him or otherwise in order of point of time of receipt. Notices in excess of seven are carried over to the next available day, if any.<sup>184</sup>

Before 22 February 2010, out of the five questions, both starred and unstarred, by any one member that could be placed on the list of questions for any one day,<sup>185</sup> not more than three questions could be placed on the list of questions for oral answers.<sup>186</sup> Again, out of those three questions only one question could be placed in the name of a member, as a first questioner by virtue of the priority obtained by that member in the ballot for that day and in respect of the other two, if any, the member's name

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could appear as a second questioner in the process of clubbing; otherwise, they were placed in the list of questions for written answers.

If, after one question each of the members who have secured places in the ballot was entered in the list of questions for oral answers on any one day in the first round, the maximum number of questions to be included in a day's list, *i.e.*, twenty was reached, the second and third questions, if any, of those members were placed for the subsequent rounds in accordance with the order of preference, if indicated, by the concerned members in that behalf. The process may be illustrated thus:

While preparing the lists of questions for oral answers for 12 July 1991 and 10 July 1996, it was found that the lists fell short of two questions; in other words questions of only eighteen members who had given notices of questions for that day were found admissible. Therefore, names of the first two questioners appeared twice in those days lists—first as nos. 1 and 2 and subsequently as nos. 19 and 20 as original questioners, thus their two questions each were included in the lists of questions for oral answers on those days.<sup>187</sup>

However, with amendment to rule 43 w.e.f. 22 February 2010, not more than one question distinguished by an asterisk by the same member shall be placed in the list of questions for oral answer on any one day. Questions in excess of one shall be placed in the list of questions for written answers.<sup>188</sup>

Each question included in the list of questions for oral answer will be in the name of one member only by virtue of his/her position in the ballot.<sup>189</sup>

While preparing the list of starred questions for oral answers, preferences indicated by members on their notices of questions are taken into consideration and if no such preferences indicated then the notices are considered in point of time of their receipt.

Earlier, there was no limit on the number of admitted questions which could be included in the list of questions for written answers for any day. As a result, sometimes a large number of notices were admitted in the list of unstarred questions for a day making the list bulky and cumbersome. For instance, on 31 August 1988, the list of unstarred questions contained 346 questions.

The Committee on Rules considered the matter and was of the opinion that there should be a limit of 150 questions, including 20 questions for oral answers, postponed questions, if any, and 15 questions pertaining to

States under the President's Rule. The Committee accordingly proposed a new rule (51A) for the purpose.<sup>190</sup> While adopting the rule in the House, however, the limit of 150 questions recommended by the Rules Committee was increased to 175.<sup>191</sup> The new rule became effective from 15 June 1995 *i.e.*, from the 174<sup>th</sup> Session<sup>192</sup> and continued upto the 232<sup>nd</sup> Session. However, with amendments to rule 51A in November 2014, the list of questions for oral answers shall have 15 questions and the list of questions for written answers shall have 160 questions. The new rule became effective from 8 December 2014 *i.e.*, from the 233<sup>rd</sup> Session.<sup>193</sup>

### Allotment of days for questions

The time available for answering questions is allotted on different days in rotation to such Ministry or Ministries, for the answering of questions by the concerned Ministers as the Chairman may, from time to time, provide, and on each of such days, unless the Chairman with the consent of the Minister concerned otherwise directs, only questions relating to the Ministry or Ministries for which time on that day has been allotted, is placed on the list of questions for oral answers.<sup>194</sup>

As soon as the dates of commencement and conclusion of a session are fixed, days are allotted to different Ministries/Departments of the Government of India for the answering of questions and are published in the Bulletin which is issued along with summons for the session. The information is also included in the provisional calendar of sittings.

For the purpose of answering questions in the House, the Ministries are divided into five groups and the Ministers answer questions in that rotation so that questions relating to one Ministry are answered on a fixed day once a week. In grouping of Ministries, it is ensured that allotment of days for Ministries does not clash with the days allotted to them in the other House so that the Ministers are able to be present in both Houses on their allotted days for answering questions.

If after the issue of a Bulletin notifying allotment of days for answering questions, or in the middle of a session, a Ministry is bifurcated or a new Ministry is created, allotment of days to such a Ministry is decided by the Chairman and notified in the Bulletin.<sup>195</sup> Likewise, any change in allotment of days for answering questions as a result of shifting of a Ministry is also notified to members in the Bulletin.<sup>196</sup>

A new Ministry called the Ministry of Non-Resident Indians' Affairs was created on 27 May 2004. It was renamed as the Ministry of Overseas Indian Affairs on 3 September 2004. From the 202<sup>nd</sup> Session, the answer day

for the Ministry was Thursday which is also the answer day for the Ministry of External Affairs.<sup>197</sup> However, in January 2016, it was proposed to merge the Ministry of Overseas Indian Affairs with the Ministry of External Affairs. Thereafter, in the ensuing 238<sup>th</sup> Session, both the Ministries were merged into one Ministry *i.e.* the Ministry of External Affairs. The answer day remains the same.<sup>198</sup>

During 214<sup>th</sup> Session, in the second half of the session, Ministry of Finance which had answer days on Tuesdays came under direct charge of the Prime Minister who had answer days on Thursday. However, as ballot/ listing of notices of questions of the Ministry of Finance coming under the Prime Minister was nearly finalised, *status quo* was maintained and answer day for the Ministry of Finance was not changed.<sup>199</sup>

During 221<sup>st</sup> Session, the Minister for Human Resource Development took additional charge of the Ministries of Science and Technology, Earth Sciences and Communications and Information Technology. The answer day of the Ministry of Human Resource Development was Friday and of additional Ministries was Thursday. Following a request from the Minister, the answer day for the new Ministries was shifted to Friday.<sup>200</sup>

### Questions to private members

A question may also be addressed to a private member (*i.e.*, a member who is not a Minister) provided that 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 and the procedure in regard to such questions is the same as that followed in the case of questions addressed to a Minister with such variations as the Chairman may consider necessary or convenient.<sup>201</sup> So far, there has not been any instance in the Rajya Sabha when a notice of a question to a private member has been admitted.

### Conditions of admissibility of questions

A member may ask a question for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.<sup>202</sup> The right to ask a question is, however, governed by certain conditions which are described below.

A question must be pointed, specific and confined to one issue only.<sup>203</sup>

Earlier it was stipulated that a question should be “clearly and precisely expressed”. The Committee on Rules recommended that these words should be replaced by the words “pointed, specific and confined to one issue only”. The rule was amended accordingly.<sup>204</sup>

A question must not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements.<sup>205</sup>

When a member made certain allegations against the Prime Minister in the course of asking a supplementary question, the Chairman read out sub-rules (1) and (2) (i) to (iv) of rule 47 and observed:

... I have decided that if epithets or imputations are made, I shall take the authority myself to have it expunged. I want to give this warning to every member of this House. If such things continue, I shall have to take very drastic measures. Otherwise, no business can be conducted in this House any longer.<sup>206</sup>

The text of the question should contain all the references necessary to make it self-contained, *viz.*, the name of a newspaper along with its date, if the question is based on a press report; the number of a previous question with its date, if the question is in pursuance of an answer to a previous question, the date and place of occurrence of an event, if the question is eliciting information in respect thereof, etc.

A question must not bring in any name or statement not strictly necessary to make the question intelligible.<sup>207</sup> While admitting a question, names of individuals appearing in the body of the notice are ordinarily omitted, but in the case of an official, his designation may be mentioned.

If a question contains a statement, the member shall make himself responsible for the accuracy of the statement.<sup>208</sup> The responsibility envisaged under this condition is a moral and not a legal responsibility.

A question must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition.<sup>209</sup>

A question must not ask as to the character or conduct of any person except in his official or public capacity.<sup>210</sup> Allegations of a defamatory character against an individual or personal insinuations are, therefore, not admissible.

A question must not exceed 100 words.<sup>211</sup>

The earlier limit was 150 words. The Committee on Rules recommended that the limit should be reduced to 50 words. However, the House raised it to 100 words and the rule was amended accordingly.<sup>212</sup>

A lengthy question is, wherever possible, suitably abridged, if otherwise admissible. Such a question may be admitted after deleting unnecessary parts and words, keeping intact the substance of the question as too many

details or statements which make a question lengthy may result in consuming major time of the Question Hour to the disadvantage of other precise questions.

A question must not relate to a matter which is not primarily the concern of the Government of India.<sup>213</sup> Questions within the purview of States are generally disallowed. However, if a question, though touches upon a State matter, is of a national importance, it may be admitted. The decision to allow a question which is not the primary concern of the Government of India is taken on the merit of each case. A member can table a question seeking information on matters arising out of the control, supervision or administration of Central assistance or grants to the States.

A question must not ordinarily ask for information on matters which are under the consideration of a parliamentary committee.<sup>214</sup> A question must not also ask about proceedings in a parliamentary committee which have not been placed before the House by a report from the committee.<sup>215</sup> If such a question gets admitted then no discussion is allowed on it in the House.

A question regarding purchase of defective tyres was admitted. Before the question could be put, a point of order was raised that the matter was under the consideration of the Public Accounts Committee and as such the question was inadmissible. The Chairman directed that the question be asked and answer given and thereafter he would consider the matter.

The question was accordingly put and answer given. Thereafter, the Chairman observed:

After the question is put we have come to know that the Public Accounts Committee is seized of the matter and when the report of the Public Accounts Committee comes, we shall certainly give an opportunity for putting questions.

Thereafter, the Chairman called the next question.<sup>216</sup>

A notice of a question regarding outstanding central excise duty against fifty odd major companies was given by referring to answers to previous questions given in the Lok Sabha. The Ministry of Finance, however, pointed out that the matter was under consideration of the Committee on Government Assurances (Lok Sabha). The question was accordingly disallowed.<sup>217</sup>

Where a question makes no direct reference to the recommendations of a committee though the subject thereof may have been considered by the committee, it is admissible only if it asks for some factual information

which is not readily available in the report of the committee. Questions seeking information in respect of specific recommendations of a committee which have remained outstanding for long or their implementation has been unduly delayed by the Government may be asked.

The proceedings of a parliamentary committee are treated as confidential and it is not permissible to disclose any information regarding such proceedings before the report is presented to the House. No question seeking information about the proceedings of a committee is, therefore, admitted. The same applies to supplementary questions also.

Matters discussed in a Consultative Committee of Members of Parliament or its proceedings are not allowed to be raised or referred to in the House during the Question Hour.<sup>218</sup>

A question must not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion.<sup>219</sup> Under the Constitution, conduct of persons holding certain offices cannot be discussed in the House except on a substantive motion. Such offices are the President, the Vice-President, the Speaker, the Judges of the Supreme Court or a High Court, the Chief Election Commissioner and the Comptroller and Auditor General.<sup>220</sup> Therefore, questions are not admitted in respect of them.

Questions relating to the President are not admitted unless they seek information of purely factual nature, for instance, foreign tour of the President of India.

An unstarred question asking from the Minister of External Affairs (a) the countries visited by the President of India in recent weeks; (b) whether any bilateral agreements were entered into between India and those countries on the occasion of the President's visit; and (c) the details thereof, was admitted and answered.<sup>221</sup>

The same applies to questions relating to the Vice-President of India who is also the *ex-officio* Chairman of the Rajya Sabha.

A starred question regarding Manila Conference was admitted. A member put a supplementary question asking why the Government advised Vice-President of India to go to Thailand and make certain speeches not in keeping with the policy of the Government of India. Objection was taken by some members that such a question could not be asked. The Chairman permitted the question on the ground that it was not the Chairman who was being criticised and the questioner was not referring to the Chairman but was referring to the Vice-President.<sup>222</sup>

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Since Governors are Heads of respective States, questions about them, or containing or implying reflections on them are not admitted.

Similarly, questions are not permitted on the conduct of Judges of the Supreme Court and High Courts.

A short notice question was admitted regarding the Supreme Court judgment in the *Minerva Mills* case. When in the course of a supplementary question a member referred to some statements attributed to one of the Judges who gave the judgement in the case, the Chairman ruling it out observed, "I rule that you shall not discuss the conduct of the four Judges in the light of what Mr. Bhagwati has said. It is a matter between Mr. Bhagwati and the four Judges. We cannot enter into it. I shall go very clearly into the records and my red pencil will rule out everything..."<sup>223</sup>

A question was asked about holding of court at New Delhi Railway Station by a sitting Judge of Allahabad High Court. When the question was taken up for oral answer, some members objected to the admission of the question as it cast reflection on the conduct of a Judge. The question, however, could not be discussed on the floor of House as the Minister informed the House that the Supreme Court had taken cognizance of the matter and as such, it was *sub-judice*.<sup>224</sup>

A question must not make or imply a charge of a personal character.<sup>225</sup> Insinuations or introduction of personal element in questions or implied charges of a personal character against responsible persons are not permitted.

A question must not raise questions of policy too large to be dealt within the limits of an answer to a question.<sup>226</sup> A policy issue being too large and extensive a matter, the entire time of Question Hour will be consumed by a question raising such a matter.<sup>227</sup> Moreover, the appropriate device to raise or discuss a policy matter is a motion or a resolution, etc. and not a question. Some such questions disallowed were:

On an occasion when on a question regarding distribution, sale and manufacture of imported liquor in India, a member asked a supplementary regarding implementation of the Directive Principle of State Policy regarding prohibition, the Deputy Chairman did not permit it observing that it was a larger question.<sup>228</sup>

On another question regarding abolition of customs duty in Kashmir, when a member asked a supplementary regarding abolition of customs duty in all Part B States, the Deputy Chairman observed, "We cannot discuss policies in Question Hour."<sup>229</sup>

On the same ground a supplementary question regarding steps to raise the standard of medical education was ruled out by the Chairman as it was a question involving policy.<sup>230</sup>

When a member spoke about constitutional vicarious responsibility of a Minister for a railway accident while asking a supplementary question, the Chairman observed:

My opinion is that policy questions cannot be discussed during question time. Certainly policy discussions can be held during the Budget discussions.<sup>231</sup>

Likewise, when there was a question about Bhilai and Bokaro Steel Plants, a supplementary regarding the Government's policy of cooperation between India and the Soviet Union was ruled out by the Deputy Chairman observing:

...The Question Hour should not be made a point for bringing in discussion on general policy matters; it should be used only for pointed questions. There are many other opportunities for the members for whatever discussion they want to raise.<sup>232</sup>

On the question regarding rise in prices of essential commodities when a member asked a supplementary whether the Government would take over wholesale trade and introduce Public Distribution System, the Chairman ruled out the supplementary question stating, *inter alia*, that there could not be a single policy for all the commodities and, therefore, the supplementary question was too large for answer by the Minister.<sup>233</sup>

However, in case of starred question no. 63 which was regarding "New Industrial Policy", before the supplementary questions commenced, the Chairman invited attention of the House to rule 47(2)(xiii) but stated that he was not strictly adhering to that but members should adhere to the rule.<sup>234</sup>

On a question regarding export of soya meals by MMTC, a member said he would like to raise a policy question. The Chairman observed that it was not allowed under the rules, yet he permitted the member to ask a supplementary question.<sup>235</sup>

A question must not repeat in substance questions already answered or to which an answer has been refused.<sup>236</sup> This rule prohibits repetition of questions which have already been fully answered. Such repetition is treated as an abuse of the right of questioning or likely to affect the procedure of the House and is, therefore, not admitted. If there is any question which appears to be in substance a repetition of a question answered earlier, it

is for the Ministries concerned to bring that fact to the notice of the Secretariat.

When a Minister has refused to answer a question, subsequent notices of questions on the same subject are disallowed. A question is generally not disallowed on the ground that it is not in the public interest to disclose the information. It is for the Minister to refuse to answer on the plea on public interest on the floor of the House.

Starred question no. 675 was asked about LIC investments. In reply, the Minister stated that it was not in public interest to disclose names of companies in which the Corporation held investments. After Question Hour, a member raised the matter and stated, *inter alia*, that it was an infringement of the privileges of members and requested the Chairman to direct the Minister to supply the information.<sup>237</sup>

When some members wanted to know about the profits which STC/MMTC were making while supplying materials to small scale industries, the Minister, *inter alia*, stated that it would not be in the public interest to give publicity to it. On a point of order arising out of this, the Chairman ruled:

The Minister says it is not in public interest to disclose the rates of profit or the information which is demanded from him. I cannot compel him to disclose what is not in public interest.<sup>238</sup>

A question must not ask for information on trivial matters.<sup>239</sup> This rule is intended to discourage asking of questions on petty matters or on minor details or on purely local matters which a member can take up with the appropriate authority.

A question must not ordinarily seek information on matters of past history.<sup>240</sup> Generally, questions going into past history or based on matters which are historical or academic in nature are not admitted.

Earlier, a large number of notices of questions were being received from members seeking information on matters relating to past period extending to several years. Members were, therefore, advised that keeping in view the provisions of rule 47(2)(xvi), they should not seek information relating to period exceeding three years.<sup>241</sup>

Questions asking for information for periods more than three years or fairly longer periods are, therefore, generally amended so as to restrict the information to a three year period in case the question is otherwise admissible.

A question must not ask for information set forth in accessible documents or in ordinary works of reference. Questions seeking information

which is available in gazettes, reports, documents, books and other papers are not admitted. The proceedings of the Lok Sabha of earlier sessions fall into the category of accessible documents and questions are not generally admitted in the Rajya Sabha if answers are found in such proceedings. Whenever information is available in public library or in reference books questions thereon are not admitted.<sup>242</sup>

A question must not raise matters which are under the control of bodies or persons not primarily responsible to the Government of India.<sup>243</sup> Questions relating to the work of non-official organisations are not ordinarily admitted, unless they relate to actions of the Government, or the Government has made grants to such organisations.

A question must not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India,<sup>244</sup> *i.e.*, *sub-judice* matters.

When in the course of asking a supplementary question, a member wanted to know about the arrest of a Municipal Commissioner, the Chairman ruled, "The matter is under investigation. We cannot have questions raised whether he was rightly arrested or wrongly arrested."<sup>245</sup>

In reply to a question regarding police searches in Cuttack, the Minister stated that since the action of the police in conducting the searches was *sub-judice* before the Orissa High Court, it was not proper to furnish any further details. The Chairman upheld the answer and did not permit further supplementaries.<sup>246</sup>

When a question regarding an affidavit filed by the Director of the Indian School of International Studies in a defamation case was about to be put, a point of order was raised that the question could not be asked as it was on an affidavit in a court of law and referred to a fact at issue. The Chairman, however, permitted the question and answer and thereafter upheld the point of order and ruled out further discussion.<sup>247</sup>

When on a question regarding the height of Nagarjunasagar Dam, some members put supplementaries, the Minister concerned stated that he would not be able to enter into a discussion about this matter as it was before the Tribunal and when a member insisted on getting the information, the Deputy Chairman observed:

The Minister has... stated that all the questions that have been asked... refer to matters which are being referred to and will be decided by the Tribunal and, therefore, the Minister does not want to give any information as the proceedings before the Tribunal may be prejudiced. Therefore, it would not be desirable to compel

the Minister to give information on the facts which are before the Tribunal for consideration.<sup>248</sup>

In regard to a question regarding the seizures of ten-dollar notes in Mysore, a member wanted to know the name of the person involved. When the Minister stated that he would give the name if the Chairman allowed, the Chairman observed:

When the investigating department, that is, the Police Department which investigates, arrives at its conclusions and feels that there is a *prima facie* case, after that there is no harm in disclosing the name because the name will be in the court and the court proceedings are public, but until that stage arrives, I do not think it will be proper that the name should be disclosed. My reason is that if the Police itself considers that there is no case against him and that he is an innocent person, then unnecessarily his reputation will be besmirched. ...When the Police feel that a person is guilty *prima facie* then the name should be disclosed.

However, the Chairman directed that if in the opinion of the Home Minister, the investigation would be prejudiced in case the name was disclosed, he need not disclose it. The Minister thereafter, however, disclosed the name.<sup>249</sup>

When a member asked a supplementary question, some members argued that the matter raised was *sub-judice*. The Chairman gave the following ruling:

If this kind of contention continues in relation to a supplementary question, the main question has been answered; the Chair will construe that as a closed matter and go on to the next question.

No further supplementaries on the question including the second supplementary was allowed and the next question was called.<sup>250</sup>

A question must not relate to a matter with which a Minister is not officially connected.<sup>251</sup> Questions about anything said or done by a Minister in his non-official capacity are not permitted.

A question must not refer discourteously to a friendly foreign country.<sup>252</sup> Questions relating to administration or affairs of a foreign State are not admitted.

A question must not seek information about matters which are in their nature secret.<sup>253</sup> Questions asking for information about the internal working of the Cabinet or its committees or sub-committees, Cabinet discussions or advice given to the President in relation to a matter in

respect of which there is a constitutional, statutory or conventional obligation not to disclose information are not admitted as these matters are in their very nature regarded as secret.

No question must be asked in respect of matters which are or have been the subject of correspondence between the Government of India and the Government of a State, except as to matters of fact and the answer to such a question is confined to a statement of fact.<sup>254</sup>

On an occasion, when a member read out from a letter of the Governor of a State to the Chief Minister of that State and asked what steps the Government had taken thereon, the Chairman called the member to order and observed, "We have got a clear rule that communications between the Government of India and State Governments should not be the subject of questions in this House."<sup>255</sup>

A question based on a press report is not admissible if it does not contain any substantial matter in it. Questions which merely ask about the details of the news-item are generally disallowed.

On a starred question asking whether the Government's attention had been drawn to a newspaper item and the details thereof, the Chairman observed:

I find that a number of questions are put saying that it has appeared in a paper, whether the Government's attention has been drawn. Instead of the newspapers giving publicity to politicians, politicians are giving publicity to the newspapers. You must take the substance of the matter and then ask whether it is a fact or not. You should not say whether a report has appeared in some paper and what it is. You may note it for future reference. If some such question comes hereafter, I will not allow it.<sup>256</sup>

Questions relating to the day-to-day administration in respect of public undertakings/autonomous bodies/statutory corporations are not ordinarily admitted for answers unless a matter of policy or public interest is involved. Information in respect of working of the statutory corporations and limited companies in which the Government has financial or controlling interest may be obtained by members direct from the corporations or companies concerned. For this purpose, Ministries of the Government of India have issued directions to the statutory bodies and limited companies functioning under them to supply the requisite information to the members directly on request.<sup>257</sup>

In 1982, some members had given notices of questions asking for information regarding grant of increments, foreign visits, termination

of services of faculty members, telephone bills, mess accounts, salary expenditure relating to JNU. The Chairman disallowing the notices observed in his orders on the file: "We cannot allow domestic matters of an autonomous body to be investigated this way. A matter should be of such importance as to concern all the people."<sup>258</sup>

On a question regarding discrimination in the matter of grant of loans by banks, a member asked a supplementary question to know the total amount of loan sanctioned by the State Financial Corporation of Haryana to an individual related to the Chief Minister of Haryana. The Chairman ruled out the question observing: "It is the principle of banking and observed in this legislature that nobody can ask questions about the loan transactions of any one individual."<sup>259</sup>

Questions on matters falling within the jurisdiction of the Presiding Officers of the two Houses are not admitted. So also a question on a matter falling within the jurisdiction of Lok Sabha is not admissible in the Rajya Sabha.

An answer to a question in the Rajya Sabha cannot refer to the answer to a question or proceedings in the Lok Sabha during a current session.<sup>260</sup> Therefore, there is no bar with regard to similar questions being admitted in the two Houses in the same session.

### **Chairman's decision on admissibility of questions**

The conditions of admissibility of questions set out above do not cover all the contingencies in which questions may not be admitted. The admissibility of a question, not covered by the specific provisions in the rules, is determined in the light of past precedents and well-established parliamentary practices, conventions and usages. In these and other cases, the Chairman decides whether a question or a part thereof, is or is not admissible under the rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.<sup>261</sup>

The Chairman has also the power to direct that a question be placed on the list of questions for answers on a date later than that specified by a member in his notice, if he is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.<sup>262</sup> It is also a well-established practice that in case of any doubt about any aspect of a question, a reference is made to and factual position obtained from the Ministry concerned and the admissibility of such a question is determined in the light of factual information received. Ministries are expected to

supply the information promptly and in any case within three days of receipt of such reference. Admissibility of a disallowed question may be reconsidered on a representation from the member concerned.

If in the opinion of the Chairman any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such a question be placed in the list of questions for written answers.<sup>263</sup>

Starred question no. 163 regarding number of memorials erected in the country in the last three years in honour of freedom fighters was answered on 14 November 1986.<sup>264</sup> In a note to the Secretary-General, the Chairman directed that the questions which called for statistics should be listed as unstarred.

The lowest diary starred question of a member proposed for starred list for 28 April 2010 at No. 475 was admitted as unstarred question since the question was seeking statistical information. Another question of the member was taken for starred list in its place.

The Chairman may also, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, give his direction.<sup>265</sup>

Members cannot question the right of the Chairman to admit or disallow a question.<sup>266</sup>

When a notice of a question is disallowed, the member concerned is informed by the Secretariat about the reasons for such disallowance.

On an occasion a member rose on a point of information to say that he had given notices of certain questions and received a reply that the Chairman had disallowed them. He referred to an earlier practice under which when a question was disallowed, the rule which was offended was quoted so that the member knew the reason for the rejection of the question. The Chairman observed, "Generally, when I disallow questions, I have sufficient reasons for disallowing them, and the Secretary will always be pleased to give the hon'ble member the information that he asked for."<sup>267</sup>

### List of questions and draw of lots

Questions, which have not been disallowed are entered in the list of questions for the day for oral or written answers, as the case may be, in accordance with the orders of the Chairman.<sup>268</sup> The total number of questions to be included in the lists of questions for oral and written answers for any

one day shall be limited to 175 [15 questions for oral answers and 160 questions for written answers] including, questions postponed from one list of questions to another for written answers and fifteen questions pertaining to the States under the President's Rule.<sup>269</sup> With a view to determining the *inter se* priority of members for inclusion of their names in the list of admitted questions for oral answers, a ballot or draw of lots is held at 5.00 p.m. in the Lobby of the Central Hall on the last day for receipt of questions for the day.

The ballot procedure was introduced for the first time for determining the *inter se* priority of questions in 1970 (71<sup>st</sup> Session) on the recommendation of the Business Advisory Committee.<sup>270</sup> The General Purposes Committee recommended in 1974 that a ballot be held at 5.00 p.m. on the last date for receipt of notice under rule 39 in respect of notices of starred questions received upto 3.00 p.m. for that day, with a view to determining the *inter se* priority of members who had given such notices and the list of admitted starred questions should be prepared in accordance with the result of such ballot. When a notice of a starred question was given by more than one member, such a notice should be deemed to have been given by the first signatory only for the purpose of ballot.<sup>271</sup> Names of twenty-five members are determined in ballot for preparation of starred list of questions. Idea behind ballot priority of twenty-five members is to overcome the situation when there is no admitted question in respect of member(s) who have secured ballot position up to 15. Admitted starred questions of members who have secured ballot position beyond 15 are included in that case in the starred list.

From the 107<sup>th</sup> Session<sup>272</sup> to 232<sup>nd</sup> Session, the limit of number of starred questions for inclusion in the list per day was twenty and from the 116<sup>th</sup> Session<sup>273</sup> to the 218<sup>th</sup> Session, the names of members to be clubbed to a starred question was restricted to two. As per new rules made effective since 27 November 2014 (233<sup>rd</sup> Session), the limit of number of starred question per day has been changed from 20 to 15. Also, as per the rules made effective since 22 February 2010 (219<sup>th</sup> Session), in the place of clubbing, each question in the starred list would be in the name of a single member by virtue of his position in the ballot.

Since 1993, the result of the ballot of questions is also being displayed on the Notice Board in the Outer Lobby and the Notice Office in the Parliament House.<sup>274</sup> Since November 1994, the draw of lots, which earlier used to be held in the Central Hall manually was also computerised. A member, if present to witness the ballot, or the Secretary-General/Divisional Head/ senior officer of Question Branch is requested to operate the computer

for the draw of lots each day. However, the practice of holding the draw manually in respect of starred questions has been resumed again from 199<sup>th</sup> Session.<sup>275</sup> During 227<sup>th</sup> Session, the draws of lots for unstarred questions were also held manually as names of some members in the computerised pre-ballot chart for unstarred questions appeared twice due to some technical fault. The practice of holding computerised draws in respect of unstarred questions lists was, however, resumed from 228<sup>th</sup> Session.

The Rajya Sabha was summoned to meet on 26 August 1991, for its 160<sup>th</sup> Session by the Summoning Order dated 14 August 1991. As 15 August 1991 was a holiday on account of the Independence Day, the draw of lots for questions for 26 August 1991 (first day of the session) was held on 16 August 1991 *i.e.*, a day later than the usual tenth clear day.<sup>276</sup>

For the first time draw of lots was held in Room No. 119, Attic Storey, Parliament House in the year 1970 (71<sup>st</sup> Session).<sup>277</sup> This venue shifted to Room No. 32 in the year 1975 (91<sup>st</sup> Session).<sup>278</sup> During the 94<sup>th</sup> Session (December 1975), the draw of lots was held in Room No. 239, Parliament House Annexe and till January 1979 (108<sup>th</sup> Session) the venue remained the same.<sup>279</sup> Thereafter the venue continued to shift from Room No. 31, Parliament House, during April 1979 (109<sup>th</sup> Session)<sup>280</sup> to Room No. 34, Parliament House (116<sup>th</sup> Session) in October 1980<sup>281</sup> and from there to Room No. 28, Parliament House during January 1981 (117<sup>th</sup> Session).<sup>282</sup> During 145<sup>th</sup> session in January 1988 the venue shifted to the Central Hall, Parliament House and since then there has been no change in the venue.<sup>283</sup>

Listing of questions is done on the basis of preferences indicated by respective members out of the questions given by them for a particular date. In the process when the questions are finally listed, sometimes it may happen that one or two Ministries occupy positions in the list of questions in close succession. As a result, Question Hour would largely cover only one or two Ministries. Questions relating to other Ministries earmarked for a particular date would not come up during Question Hour. The Committee on Rules considered the matter and recommended a new rule for the purpose. However, in the motion moved in the House, the proposed rule was deleted.<sup>284</sup>

So far as admitted questions for written answers are concerned, till 173<sup>rd</sup> Session they used to be arranged according to the time of receipt of the notices in the Secretariat. However, as a result of the limitation of total 175 starred and unstarred questions for any day, since 174<sup>th</sup> Session, two ballots are held – one for starred questions for indicating names of members for a list of 20 questions and another for unstarred questions for

indicating ballot priority of members for including their questions in the list of 155 questions for written answers.<sup>285</sup>

There has been an instance when the list of starred questions remained short of 20 questions as notices for the given date were received from only 17 members. To overcome the situation, the process of rounding was repeated as a result of which all first four members had two questions in their name as sole/first questioner.<sup>286</sup> However, after invocation of rule for including the name of one member only once by virtue of his position in the ballot for list of questions for oral answer, the name of a member cannot be repeated in case the number of members who have given notices for starred question for a sitting is less than 20 in number.

Questions for oral and written answers are numbered separately. The numbering is done separately for each list beginning from 1 at the commencement of each session and continued consecutively until the end of the session. A number in the list of questions for oral answers is marked by an asterisk.

For facility of identification, the list of questions for oral answers is printed on a pink paper and the one for written answers on a yellow paper.

In 1974 (87<sup>th</sup> Session) members were informed that due to scarcity of the usual yellow paper, the lists of unstarred questions were being printed on white paper 'for the present'.<sup>287</sup>

The names of the Ministries in respect of which questions are included in a particular list are indicated at the top of the list in alphabetical order, as also the total number of questions included in the list. At the end of the list a Ministry-wise Index is appended to indicate the number of questions which appear in that list in respect of each Ministry.

Each question included in the list of questions is given a suitable heading and the name(s) of the member(s) who has/have tabled the question and the designation of the Minister to whom it is addressed are printed in capital letters. If a question is withdrawn or postponed to a later date before it is taken up in the House, the same is deleted, by issuing a corrigendum and the concerned Member/Ministry is informed accordingly.

### **Clubbing of names of members**

Earlier, there was no limit on the number of names of members which could be clubbed to a starred question. As a result, on several occasions

names of a large number of members were clubbed to a starred question. On four occasions, for instance, the number went as far as upto 34.<sup>288</sup> Obviously, this affected the coverage of questions for answers on the floor of the House.

There were as many as sixteen names of members which were clubbed to starred question no. 525 regarding charter of demands of a political party, on 18 August 1967. Only two questions could be covered that day.

The Chairman in consultation with the General Purposes Committee directed that not more than five names of members should be clubbed to a starred question.<sup>289</sup> The names of members in excess of five were omitted. This process remained in vogue till 1978. The Committee on Rules recommended that the number should be reduced to three.<sup>290</sup> Accordingly, this practice continued till 1980. The Committee on Rules reconsidered the matter and further reduced the number of names for clubbing to a starred question to two.<sup>291</sup> The practice of clubbing only two names to a starred question and ignoring names in excess of two continued till 21 February 2010. Besides the first name in accordance with the result of the ballot, the name of the other member was to be clubbed in the order in which his notice was received in point of time. When a notice of a starred question was given by more than one member, *i.e.*, a joint notice, it was deemed to have been given by the first signatory only for the purpose of draw of lots and inclusion of name in the starred list. After amendment to rule 43 w.e.f. 22 February 2010 each question included in the list of questions for oral answer stands in the name of one member only by virtue of his position in the ballot.<sup>292</sup>

So far as unstarred questions are concerned, there is no limit on the number of members whose names may be clubbed thereto. However, the overall limit of five questions per member per sitting is kept in mind while clubbing the names.

### **Consolidation of questions of same or allied subjects**

Notices of only those questions by different members which are identically worded are clubbed together and their *inter se* priority is determined in accordance with the draw of lots/receipt in point of time. Questions of the same subject but touching on different aspects are not clubbed and their admissibility is determined separately. The Committee on Rules considered the matter of consolidating identical questions but felt that the current practice was working satisfactorily.<sup>293</sup>

### **Order and mode of calling and asking of questions**

Questions for oral answers are called in the order in which they stand in the list of questions.<sup>294</sup>

The Chairman calls successively each member in whose name a question appears in the list of questions. The member so called rises in his place and asks the question standing in his name by reference to its number in the list of questions.<sup>295</sup>

Before 22 February 2010, when a question appeared in the names of two members and one of them was absent, and if the question reached for oral answer, the other member who was present might ask the question. In the printed debate, however, the names of both the members were printed with a footnote indicating the name of the member who actually asked the question on the floor of the House.

When a member on being called by the Chairman state that it was not his intention to ask the question standing in his name,<sup>296</sup> the question was treated as having been withdrawn and in such a case no written answer was deemed to have been laid on the Table.<sup>297</sup> In other words, the question was not shown in the printed debate.

In protest against the reinduction of Minister of Defence in the Council of Ministers, the member in whose name starred question no. 141 was listed for answer on 28 November 2001, on being called by the Chairman refused to put the question. The Chairman then ruled, "If you are not putting the question, then it is withdrawn". Accordingly, starred question no. 141 was treated as withdrawn.<sup>298</sup>

However w.e.f. 22 February 2010, if on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given.<sup>299</sup>

### **Taking of identical questions together**

Where two questions on the same or allied or identical subject addressed to the same Minister appear in the list of starred questions for any particular day or when the first of them reaches for answer, the Chairman may *suo motu* or on the request of any member direct that such questions may be taken up together for answers irrespective of the order in which they stand in the list provided that there is no objection from the members/Minister to such a course. In such a case both the questions are put one after the other and answered separately.<sup>300</sup>

Starred question no. 409 listed for 26 May 1972 related to distribution of steel. A member asked a supplementary question regarding its maldistribution which was listed at no. 419 in the name of another member. The latter member suggested that if the supplementary

question was allowed, both the questions could be taken up together or the supplementary question should be taken up when starred question no. 419 reached for answer. Since the supplementary question had already been put, the Chairman, seeing that there was no objection, permitted both the questions to be put together.<sup>301</sup>

A member asked a supplementary question regarding the delay in the appointment of Marriage Officers under the Special Marriage Act. The Chairman pointed out that that question was at no. 4. The Minister, in reply, referred to the answer to that question. The Chairman directed the Minister to give the answer then itself and took both the questions together.<sup>302</sup>

There have been occasions when even three questions were taken up together.<sup>303</sup>

When the Chairman announced that three particular questions would be taken together, a member pointed out that they all differed: two questions related to fishermen of Rameshwaram and the third one related to the influx of refugees from Sri Lanka. The Chairman observed: "Doesn't matter. If I rule out as irrelevant, you won't agree; you would fight with me. Therefore, I am putting all these questions together."<sup>304</sup>

However, the Chairman may not agree to the questions being taken up together if there is objection or according to him the questions are not on an identical subject.<sup>305</sup>

A member requested for Chairman's permission to put three questions together standing in his name at nos. 39, 40 and 51, as they related to one and the same subject so that 'they may be answered all together and there will be less of supplementaries.' The Chairman did not agree stating, "They are generally put one after the other."<sup>306</sup>

When a member suggested that another question standing at the tenth place in his name and dealing with the same matter be clubbed together, the concerned Minister pointed out that they were different and, therefore, be taken up separately. The Chairman agreed.<sup>307</sup>

A member requested that three questions be clubbed together "so that members could take up this very important issue and get satisfactory answers." When the Chairman asked whether members agreed, some members did not. The Chairman, therefore, observed, "They all relate to the LIC, but the subject-matter appears to be different."<sup>308</sup>

The Chairman suggested that a question standing at no. 9 could be clubbed with no. 1. Some members stated that it was a different

question. The Chairman, thereafter, agreed to take it up separately. Another member suggested that the Chairman's earlier decision regarding the clubbing was right. The Chairman said, "I have revised my judgement."<sup>309</sup>

On an occasion, a member suggested that a question standing at no. 15 could be clubbed with question at no.1 as they were related to one and same subject. The Chairman, however, did not give his permission and stated that question standing at no.1 be allowed to be answered first. The Question Hour then proceeded with answering of supplementaries on the question standing at no. 1.<sup>310</sup>

On another occasion, when the Chairman called question standing at no. 342, a member requested that question at no. 348 may also be taken with that as both were on the same subject. The Chairman did not agree stating "We just take them in the same order in which they are listed. This is the result of a ballot. The ballot results would be followed." When the member again requested, the Chairman observed, "No, it won't be fair."<sup>311</sup>

### Supply of copies of answers to questions

Answers to starred questions are given orally on the floor of the House. It is an established practice not to supply copies of answers to questions in advance.<sup>312</sup> As early as in July 1952, members raised the matter regarding supply of copies of the statement proposed to be laid on the Table of the House in answer to questions to enable them to understand the answers and put supplementary questions thereon.<sup>313</sup> The Chairman referring to the practice in the other House stated that copies of the statement would be placed half-an-hour earlier in the Notice Office.<sup>314</sup>

The issue was again raised in 1968. During the discussion it was pointed out that under the procedure a Minister could make changes in the answer to a question, which he had a right to do, till he stood up to give his oral answer, by that time he might receive some latest information or he might consult some document at the last minute and all this could make material difference to his answer. Hence, if answers were supplied in advance to members, besides diminishing the liveliness of Question Hour, the Ministers would thereby be put to great embarrassment. The Chairman stated that he would refer the matter to the Committee on Rules.<sup>315</sup>

The Committee on Rules considered the matter and recommended that one set of answers to all the starred questions included in the list of questions for the day should be kept in the Notice Office by 10.30 a.m. for perusal by the members. However, these answers would be considered

confidential and would not be treated as final till the questions were actually answered in the House.<sup>316</sup> The recommendation was implemented since the commencement of 109th session by a direction of the Chairman.<sup>317</sup>

The present practice is that eleven sets of answers to all the starred and five sets of answers to all the unstarred questions included in the lists of questions for the day are kept in the Notice Office by 10.00 a.m. every day for perusal by the members with a stipulation that these answers would be considered confidential and would not be treated as final until actually given in the House or deemed to be laid on the Table of the House.<sup>318</sup> For convenience, answers of the first five starred questions are also displayed on the Notice Board in the Outer Lobby.

When a statement is to be laid on the Table in answer to a question for oral answer or where reference is made to an answer to the previous question, copies of the whole answer containing the statement to be laid or the answer to the previous question as the case may be, are made available to the members concerned one hour in advance in order to enable them to study the same for asking supplementaries.<sup>319</sup>

On a point of order, a member pointed out that the answer to a question referred to a number of questions answered earlier in 1980-81 which were not available with him at that time to put supplementaries. The Chairman suggested that if reference was made to some replies given to questions put earlier, those replies be put as an annexure and laid on the Table of the House for the members to see.<sup>320</sup>

A member other than the one who has tabled the question may also be supplied a copy of the proposed statement subject to availability of spare copies. If for any reason such a statement is not laid on the Table or the answer is not given or the contents thereof are altered by the Minister while answering the question in the House, the original statement or answer is not made public.

### **Answers to questions by Ministers**

Whenever the answer to a starred question for oral answer is long, it should be laid on the Table of the House so as to save the time of the House to cover more questions during Question Hour.<sup>321</sup>

On an occasion when in reply to a supplementary question regarding the heroes of the national freedom struggle, the Minister stated that it was a long list, the Chairman directed the Minister to lay it on the Table of the House.<sup>322</sup>

When a member, who had not got a copy of the proposed statement insisted that the Minister be asked to read it, the Chairman observed:

“There is nothing wrong in asking the Minister to read the statement but we will be wasting so much time of the House and because of it only fewer questions would be taken up. Therefore, I would like to appeal to the members not to insist on long statements being read out.” The Chairman also stated that he had no objection, if the sense of the House was that the statement must be read out by the Minister. Thereafter, some members stated that the statement need not be read. After some points were made by members, the Chairman requested the Minister to give a gist of what was there in the statement. The Minister pleaded his inability to give the gist as the statement was too long and he could read it out. Later on, however, he gave the gist.<sup>323</sup>

On an occasion when a Minister gave a long reply to a question, before inviting supplementaries thereon, the Deputy Chairman observed, “I have to draw the attention of the Treasury Benches that the answers should not get longer and longer. If the answers are inclined to be long, they must come in the form of statements to be laid on the Table of the House. There must be more time left for members to ask supplementaries.”<sup>324</sup>

On another occasion, the Minister laid a statement on the Table in reply to a question. The member in whose name the question stood protested saying that it was a six-line statement and could well have been read out by the Minister for the benefit of other members who might also like to ask supplementary questions and they were being deprived of their inherent right to ask questions. Thereafter, the Chairman directed the Minister to read the statement observing, “If it is a long answer it can be laid on the Table of the House. A short answer may be read out.”<sup>325</sup>

When a Minister read out a very long reply to a question and Question Hour was about to be over, the Chairman, *inter alia*, observed, “...it is the rule in this House as well as in every Parliament that if the answers are long, they should be placed as statements on the Table of the House so that the members can read the same.” The Chairman directed the Minister to follow this rule carefully in future.<sup>326</sup>

Pursuant to the above observation made by the Chairman, the Secretariat sent memorandum to Ministries/Departments of the Government of India requesting them to issue directions to all concerned that “whenever the reply to a starred question exceeded 5 or 6 lines or contained statistical information it should invariably be laid on the Table of the House in the form of statement in answer to that question.”<sup>327</sup>

However, on later occasions also, the Chairman had to intervene to advise the Ministers to put long answers in the form of statements.<sup>328</sup> For instance, on an occasion the Chairman observed :

... there are people who err on both sides. Sometimes people lay very short statements on the Table of the House and some people go on reading long statements. Therefore, you must observe the rule. I am giving this direction that small statements must be read and long statements must be placed on the Table of the House.<sup>329</sup>

Answers to questions orally given in the House on any date are printed in the day's proceedings under the heading 'Oral Answers to Questions', while answers to questions for written answers, together with answers to such of the starred questions as have not been orally given in the House, are printed in the proceedings under the heading 'Written Answers to Questions'.

On an occasion, a member asked the question listed in his name but the answer thereto was not read out by the Minister. The question, however, was treated as starred question and answer was printed with a footnote to that effect. The reason for this, as explained by the Chairman before declaring Question Hour over was, the Minister took one minute to decide whether the question should be answered or not. Obviously, he did not want to answer (since Question Hour was nearing the end).<sup>330</sup>

In the proceedings, answers to questions are shown in the name of the Minister who actually replies on the floor of the House. Written answers to questions as also replies in respect of such of the questions for oral answers as are laid on the Table are shown in the name of the Minister indicated in the replies.

### **Unsatisfactory reply to question**

A member sought the protection of the Chairman in order to ensure that the Minister gives reply to each part of the question. He pointed out "so far as members are concerned, we make efforts to frame our questions in Part a, b and c, etc. but the replies are generalised. In part (b) the question was: since when are these posts lying vacant? Now this has remained totally unanswered... I think there should be some efforts on the part of the Ministry to reply pointedly to the questions."<sup>331</sup>

During the course of examination of a complaint of breach of privilege arising out of the answer to a Parliament question, given during the 190<sup>th</sup> Session the Chairman observed that much confusion could have been

avoided if the Ministry had answered each part of the question separately and clearly. As a follow up action an O.M. to this effect was issued on 25 October 2000 to the Ministry of Parliamentary Affairs to bring to the notice of all the Ministries, the direction of the Chairman. The Chairman has directed that answers to all questions in the Rajya Sabha shall be specific and complete and each part of the questions or each item of information asked for therein shall be answered separately and if the Chairman is satisfied that it does not fulfill this condition, he may direct the Minister to give a complete answer to each part of the question.<sup>332</sup>

Whenever a complaint is received from any member regarding unsatisfactory reply to his/her question, the same is forwarded to the concerned Minister drawing his attention to the aforesaid direction *vis-a-vis* impunged reply.

On an occasion, a member complained against the misleading reply given by the Minister of Railways to his unstarred question no. 4786 of 18 May 2012. The Ministry of Railways, on receipt of complaint by the member regretted the incorrect reply given on the question and agreed to lay a correcting statement to amend the reply. However, the member expressed his dissatisfaction over the response of the Ministry and demanded that the matter may be sent to the Committee of Privileges for suitable action. The correcting statement was laid on the Table of the House on 19 December 2012.

### **Ministerial responsibility during Question Hour**

When a question is put for oral answer, the concerned member, when called by the Chairman, rises in his place and asks the question.<sup>333</sup> It is, therefore, necessary that there must be a Minister present in the House to answer it. Although rules relating to starred questions do not contain a provision unlike the rule relating to short notice questions that “the Minister concerned shall give a reply immediately,”<sup>334</sup> certain conventions regarding the presence of Ministers in the House have developed and one of them is that the concerned Minister should be present in the House for answering the questions on the allotted day. The very purpose of allotting a day to a Minister appears to secure his attendance in the House for answering the questions addressed to him. According to the practice whenever a Minister goes out of Delhi on official business or otherwise, he is required to inform the Chairman in advance and intimate him the arrangement made by him to attend to his business including questions in the House during his absence.

In this context it may be mentioned that on an occasion when a Minister who was not responsible for the subject-matter of a question,

volunteered to reply on behalf of another Minister who was responsible and present in the House, the Chairman ruled:

...it has been the practice...that Ministers send a request that some other Minister may handle the question in the Question Hour on their behalf when they are not in the House. This practice has become inveterate and has been followed not only in the past but also by me. Normally this practice applies to a Ministry where there is no other Deputy or a Minister of State available to take the floor...There is no question of joint responsibility as such because that way you can send not one Minister but five Ministers because they are all jointly responsible. They will say that any Minister who is present in the House may be allowed to answer questions...Joint responsibility cannot go that far. Joint responsibility will allow one Minister to take the place of another provided there is no other Minister in the Ministry who can take the place.

The Chairman, however, stated that since the Minister was prepared, he might, with the permission of the House, be allowed to answer but, in future if another Minister was available in the Ministry and was present in the House, he should answer and nobody else.<sup>335</sup>

On an occasion, when both the Ministers in the Ministry of Commerce were absent, another Minister was replying on their behalf. At one stage a member pointed out that one of the Ministers should have been present. The Chairman stated that the rules permitted one Minister to answer on behalf of another.<sup>336</sup>

On another occasion, one of the supplementaries asked to a starred question no. 263 listed against the Minister of Power was replied by the Minister of Coal.<sup>337</sup>

There have been occasions when written replies to starred questions were received in the name of the Minister to whom they were originally addressed but supplementary replies to those questions were given by some other Ministers. This happened despite the fact that the Ministers to whom the questions were originally addressed were present in the House.<sup>338</sup>

### **Correction of answers to questions**

When the reply to a question has been given on the floor of the House or laid on the Table of the House and subsequently it is found by the Minister that the reply furnished by him is incorrect, the Minister concerned has in such cases either to make a statement if the answer relates to a starred or supplementary or short notice question or lay a statement on the Table of the House if the answer relates to an unstarred question, to correct his earlier reply.

There are instances where corrections of inaccuracies in supplementary questions arising out of starred questions have been made.

On an occasion, the concerned Minister made a statement correcting the reply given in the Rajya Sabha on 18 March 2008 to supplementary question arising out of the answers to a starred question.<sup>339</sup>

On another occasion, on 22 February 2011, a member raised discrepancy of facts in reply given to a supplementary question. Thereafter, when the facts verified and inaccuracy confirmed by the Ministry the concerned Minister agreed and made a statement correcting the reply.<sup>340</sup>

Before 1982, it was the practice that the Minister had to make a statement on the floor of the House for correcting his reply to any question—whether starred, unstarred, supplementary or short notice. In February 1982, the procedure was revised under a direction from the Chairman in respect of a correction to be made in a reply to an unstarred question. The direction which was published in a Parliamentary Bulletin stipulated that the concerned Minister would henceforth lay a statement correcting an answer to an unstarred question instead of reading (or making) a statement which was the prevalent practice.<sup>341</sup> The reasoning behind the issue of the direction was that while the answers to unstarred questions were deemed to have been laid on the Table of the House at the end of Question Hour by the concerned Minister, the correcting statement was being read out in the House. It was observed that lengthy correcting statements were being made by Ministers quite frequently and so the time of the House would be saved if such statements were allowed to be laid on the Table of the House instead of being made on the floor of the House.<sup>342</sup>

On 25 February 1982, when the concerned Minister laid on the Table of the House a statement correcting answer to an unstarred question, a demand was made that the statement should be read out. The Deputy Chairman invited the attention to the Chairman's direction issued on 17 February 1982. Some members expressed their views on the matter and the Deputy Chairman explained the background in which the direction was issued.<sup>343</sup>

However, thereafter there had been an occasion when in deference to a demand, the Minister was asked to read the statement correcting an answer to an unstarred question with the Deputy Chairman observing, "It was only for today."<sup>344</sup>

When a Minister wishes to correct any inaccuracy in the reply given by him to a question, he gives notice of his intention to do so to the Secretary- General and the notice is accompanied by a copy of the statement

which he proposes to make or lay on the Table. Thereafter, an item is included in the list of business ordinarily for the day the Minister has his questions or the day indicated by the Ministry. The item appears immediately after the item 'Questions'. The copy of the statement is also made available to the concerned member in the Notice Office half-an-hour in advance of the sitting of the House.

On the appointed day, when called upon to do so, the Minister makes the statement in the House or lays a copy of the statement on the Table of the House, as the case may be. The member in response to whose question the earlier answer was given and which is sought to be corrected by the Minister may be allowed to seek a brief clarification after the statement is made<sup>345</sup> and a supplementary question on the correction may also be permitted at the discretion of the Chairman.<sup>346</sup>

When a member wanted to ask a supplementary question on the correcting statement, Chairman observed, "Generally it is not done. But there are exceptions when a Minister makes one statement and has to make another. Certainly in those cases I would like to give an opportunity to members to put a question."<sup>347</sup>

Ordinarily, the statement correcting the answers should be made/laid as early as possible. The matter about the delay in doing so has been raised by members from time to time, although there have been instances when Ministers have corrected replies immediately at the end of Question Hour<sup>348</sup> or sometime later on the same day when the answer was given.<sup>349</sup>

When a Minister wanted to lay a statement correcting the reply given in the Rajya Sabha to an unstarred question after one and a half years, a member raised a point of order regarding the delay. The Chairman observed, "There is inordinate delay. And the House expects the Government not to have this delay because any correction to an answer, after so much time, will be a mockery..."<sup>350</sup>

Similarly, a Minister wanted to lay a statement correcting the reply given in the Rajya Sabha to an unstarred question after three weeks and not on an answer day for that Ministry, a member raised a point of order regarding the delay in laying the statement and also not doing so on the date of the answer of the concerned Ministry. This followed the following observation by the Chairman:

The corrections should be done on time and corrections should be done on the date of answer of questions relating to the Ministry concerned.<sup>351</sup>

A private member may also seek the permission of the Chairman to correct an inaccuracy.

A member submitted that on the previous day, he had asked a supplementary question about a cartoon which was published in a Delhi newspaper. He said that he had not seen the cartoon properly and made a mistake in understanding it. He requested the Chairman that his supplementary question be expunged. The Chairman ruled that the member's statement would go on record.<sup>352</sup>

### Withdrawal or postponement of questions

A member may, by notice given at any time before the sitting for which his question has already appeared on the admitted list of questions, withdraw his question, or postpone it to a later day.<sup>353</sup> The question can also be withdrawn if the member makes a statement to that effect in the House when his question is called by the Chairman.<sup>354</sup>

On request of a member, his unstarred question no. 21 slated for reply on 5 August 2013 was withdrawn from the list of questions.<sup>355</sup>

When a member desires postponement of his question, the date to which it is to be postponed, has to be specified by the member in the notice and on such later day, provided it is a day allotted to the Minister to whom the question is addressed, it is placed on the list after all the questions which have not been so postponed.<sup>356</sup>

On request of a member, his starred question no. 171 slated for reply on 8 March 2011 was postponed and placed as the last question in the starred list for 15 March 2011.<sup>357</sup>

On request of a member, his starred question no. 41 slated for reply on 13 August 2012 was postponed and listed as the last question in starred list for reply on 27 August 2012.<sup>358</sup>

A question may also be postponed by the Chairman on the floor of the House and such a question bears the same position in the subsequent list of questions for oral answers as it had in the previous list from which it was postponed, unless directed otherwise by the Chairman.<sup>359</sup>

A starred question which is postponed by the member at the request of the Minister made through the Secretariat has the same position in the subsequent list of questions for oral answers as it had in the earlier list from which it was postponed.<sup>360</sup>

The following are some of the typical instances when the Chairman had postponed the questions on the floor of the House.

The Chairman announced that he did not want to take up a question because the Minister concerned was not very well that day and that the same would be taken up on another day.<sup>361</sup>

When a question was passed over, the concerned member inquired about it. The Chairman informed him that it was postponed to a later date. When the member wanted to know the reason, the Chairman observed, "My duty is to admit questions. So far as the duty of answering is concerned, it depends upon several Ministries that are involved." When the member sought Chairman's ruling as to how a question could be postponed without the consent of the member, the Chairman observed, "...on account of circumstances they had to arrange the question...which of the Ministries was to answer was the issue..."<sup>362</sup>

During a supplementary on a question, a member suggested that the question be postponed. The Chairman, agreeing suggested that the question be taken up as first for further supplementaries on the next day when the Cabinet Minister concerned would be present.<sup>363</sup>

The Minister of Foreign Trade had sent advance copies of his replies to a starred question. When the Minister rose to answer the question orally, he replied that the information was being collected. Members felt agitated about it. The Deputy Chairman, therefore, postponed the question and stated that the question would be treated as not answered.<sup>364</sup>

On an occasion, a member complained that a copy of the answer to his question and the statement that was to be laid on the Table of the House had not been supplied to him. The Chairman postponed the question. After Question Hour was over, the Chairman explained that there was confusion in respect of the question. The member had thought that there was a statement laid on the Table of the House, but it was actually an answer. Probably the Minister could have read it. The Chairman did not want the time of Question Hour to be taken for a discussion on that and, therefore, he postponed the question.<sup>365</sup>

In reply to a part of the main question, the Minister's statement laid on the Table of the House stated that copies of a particular report were available in the Parliament Library. In the course of supplementary questions objection was taken to that reply. The Chairman observed, "Members want that their questions should be answered and what they say is correct also. You cannot tell them that they should go to the Library and see the report. You must come up with answers." The Chairman, therefore, postponed the question to the next week.<sup>366</sup>

During the course of supplementaries on a question regarding a committee on Jammu and Kashmir, when the Minister's reply did not appear clear, the Chairman postponed the question.<sup>367</sup>

Two questions regarding sugar were taken up together. At one stage the Minister in reply to a supplementary question stated that he would supply the information to the member concerned. The Chairman stated

that the Minister ought to have an answer with him. With the consent of the Minister the Chairman postponed the question (to be taken up as the first question on the postponed day).<sup>368</sup>

On a starred question regarding purchase of wagons from Wagon India Limited there were spate of supplementaries to which the Minister could not give a satisfactory reply. The Chairman, observing that there was a confusion which had to be cleared, postponed the question.<sup>369</sup>

In reply to a starred question regarding newsitem about international business transactions, the Minister concerned stated that no copy of the report was available with the Government and the Government was procuring a copy thereof. The Chairman postponed the question.<sup>370</sup>

On an occasion, however, immediately after Question Hour a member invited the Chairman's attention to a question listed that day for answer by the Minister of Home Affairs. The member suggested that he had addressed the question to the Prime Minister and, therefore, no answer to that question should be laid on the Table of the House; it should be treated as if the question had been postponed so that he could give notice of the question addressing it to the Prime Minister. The Chairman declined the request observing that the rule did not allow it.<sup>371</sup>

On an occasion, on the request of a member, unstarred question no. 1186 slated for answer on 6 March 2000, was postponed for reply on 8 May 2000. On 8 May the question appeared in unstarred list with certain modification as unstarred question no. 4541. However, later on it was withdrawn by the member.<sup>372</sup>

On 27 February 2013, the Minister in reply to starred question no. 42 stated that "the information is being collected and will be laid on the Table of the House". On this, members demanded that the question may be postponed, to which the Chairman agreed and the question was postponed and listed as starred question no. 122 (at the same 2<sup>nd</sup> position) for answer on 6 March 2013.<sup>373</sup>

### **Transfer of questions**

Previously, the practice was to allow transfer of questions from one Ministry to another on a written intimation received from the Ministry accepting the transfer of the question. This practice created a lot of avoidable inconvenience to the members as well as the Chairman. Often the matter of transfer of a question was raised on the floor of the House. On 16 February 1968 for instance, objection was taken to the transfer of a starred question on the review of fertilizer policy from the Minister of Petroleum and Chemicals to whom it was originally addressed by the members

to the Minister of Food, Agriculture, Community Development and Cooperation.<sup>374</sup> The Chairman after explaining the circumstances under which the transfer was effected, gave an elaborate ruling:

It is not for the Chair or the Secretariat to take responsibility in the matter of transfer of questions. Under our rules, a question has to be addressed by the member to the Minister, who is responsible for the subject matter of the question. Hon'ble members are aware that the various subjects are allocated to the different Ministries and that a printed pamphlet, popularly called the subject pamphlet, is circulated to the members by the Rajya Sabha Secretariat to inform them about the various subjects for which each Ministry is responsible. By and large, members address the question correctly to the Minister, who is responsible for a particular subject, but sometimes questions are addressed to a wrong Minister. In such cases, the Chair or the Rajya Sabha Secretariat does not take the responsibility of transferring the question to another Minister. The practice in this behalf in both the Houses of Parliament is that if a question is wrongly addressed to a Minister, the Parliament Secretariat is informed by the Minister that the question is being transferred to another Minister within whose purview it falls. In such cases, the transfer of the question in the name of the appropriate Minister is effected by the Parliament Secretariat only on receipt of an intimation of acceptance from the Minister to whom the question has been so transferred. I may perhaps add that sometimes it so happens that the Minister to whom a question is addressed wants to transfer it to another Minister who refuses to accept such transfer. In such a case, the Parliament Secretariat does not transfer the question and it is put down for answer by the Minister to whom the question is addressed by the member. The practice in the House of Commons in the U.K. is also the same.

After quoting from a book "*Questions in Parliament*" by Chester and Bowring to explain the practice in the House of Commons regarding transfer of questions, the Chairman concluded:

To sum up, (1) a member should take care to see that he addresses his question invariably to the Minister who is responsible for the subject matter thereof, and (2) the transfer of a question from the Minister to whom it is addressed by the member to another Minister will not normally be effected by the Rajya Sabha Secretariat unless written intimation is received from the Minister accepting the transfer.<sup>375</sup>

The current practice is that a question once printed in the list of questions is not transferred on the request of the Ministry concerned. The transfer of a question from one Ministry to another is normally effected before a list of questions is finalised and sent to the Press for printing.

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On the recommendation of the General Purposes Committee, the Chairman has issued the following direction:

After a question is admitted and printed, no transfer from one Ministry to another shall take place. However, if a request for the transfer of a question from one Ministry to another is made before it is admitted and printed, the Chairman shall be the final authority to decide in the matter.<sup>376</sup>

### Questions of absent members

Before 22 February 2010, when all the questions in the list of questions for oral answers had been called but Question Hour was yet to be over, the Chairman called again any question which had not been asked by reason of the absence of the member in whose name it stood and also permitted a member to ask a question standing in the name of another member, if so authorised by him.<sup>377</sup> In other words questions not asked in the first round were called again in the second round if time permitted<sup>378</sup> so that if any member who was absent in the first round and came to the House in the meantime, might have a chance to put his question.<sup>379</sup>

On an occasion, a member who was late by a few minutes and missed the chance to ask his question when called, requested the Chairman that his question regarding family planning which was very important be taken up first if the House agreed. The Chairman observed:

“The difficulty will be that everyday somebody will be absent and if we are to take the permission of the House, it will create an awkward situation which I do not want.”<sup>380</sup>

Questions of members who were absent and who had authorised other members to ask the questions on their behalf were also taken up at the end, *i.e.*, at the second round, if time permitted.<sup>381</sup>

A member was authorised by an absent member to put three starred questions on his behalf and they were asked in the second round.<sup>382</sup>

The authority given by a member to ask a question in his absence had to be in writing and specify the question and date on which it was to be asked. Letters of authority were required to be sent to the Secretariat at least a day in advance of the date on which such a question had been put down for answer so that the Chairman was apprised accordingly. The Chairman, had on many occasions, not permitted members to ask questions on behalf of other members who were absent, in the absence of such authorisation.<sup>383</sup>

When the Chairman asked a member who was to put a question on behalf of another member who was absent, whether he was authorised to do so, the member replied in the affirmative. The Chairman, however, stated that the letter of authorisation should have been given to him and proceeded to the next question.<sup>384</sup>

When a member stated that it was within the power of the Chairman to permit a member to put a question in the absence of the member in whose name the question stood, the Chairman stated that he could not do it unless the member was authorised.<sup>385</sup>

When a member stated that there was sufficient time and the next question could be taken up as the House was anxious to hear the answer to it, the Chairman observed, "I know but the gentleman who put the question is not here and he has not authorised any one." When the member stated that the Chairman was authorised, the Chairman answered in the negative.<sup>386</sup>

A member stated that in the absence of another member, the question be put by the Chairman so that many misunderstandings which had been raised by that question could be cleared, it was the Chairman's privilege and he could ask the question which was very important. The Chairman observed, "How can I put the question? I do not think I can."<sup>387</sup>

On an occasion, the Vice-Chairman was in the Chair and when a question standing in his name reached for answer, he passed over the question and called the next one. A member sought the Chair's permission to put that question. Another member stated that when a member was present in the House and a question appeared in his name the House should not be denied the opportunity of discussing that question. He, therefore, sought Vice-Chairman's ruling on the point. The Vice-Chairman observed, "You cannot force any member, even though present in the House, to put a question against his wishes." Written answer to the question was, therefore, shown in the printed proceedings.<sup>388</sup>

There had, however, been instances of earlier years when questions of absent members had been permitted to be asked in the first round itself.<sup>389</sup>

A question of an absent member was permitted to be asked in the first round but upon being so authorised.<sup>390</sup>

In the absence of any authorisation from the member who is absent, his question was treated as unstarred and printed along with its answer in the proceedings of the sitting of the day for which it was put down.<sup>391</sup>

There are however, instances when questions of absent members were permitted in the first round without any authorisation.<sup>392</sup>

If, however, on a question being called it was not put or the member in whose name it stood was absent, the Chairman, at the request of any member, directed that the answer to it be given.<sup>393</sup> Thus in appropriate cases the Chairman may, on a request by another member, direct that the answer be given to a question even if a member who has tabled the questions stated in the House that he does not want to put the question. This provision in the rules came up in the House for discussion on more than one occasion inviting the Chairman's ruling.

On 27 August 1968, when starred question no. 671 was called, the member concerned stated that he did not want to put the question. Thereupon, another member raised an objection that if a member present did not put his question, then other members would be deprived of the opportunity to put supplementaries thereon. The Chairman assured that he would look into the matter.<sup>394</sup> In his ruling given the next day, the Chairman, *inter alia*, observed:

I have since gone through our rules and precedents. Sub-rule(2) of rule 54 of our rules makes it clear that a member is entitled to state when his question is called that it is not his intention to ask the question and if he does so, according to our practice, the question is treated as withdrawn and is not printed in the Official Debates.

I would, however, also refer to sub-rule(3) of rule 54... This sub-rule provides that if on a question being called it is not put, the Chairman, at the request of any member, may direct that the answer to it be given. Thus, in appropriate cases, the Chairman may, on a request by another member, direct that answer be given to a question even if the member, who has tabled the question states in the House that he does not want to put the question. I must, however, make it clear that this direction from the Chair will be given in exceptional cases only and not as a matter of course.<sup>395</sup>

That question, however, was treated as withdrawn.

Later, on a similar occasion, when the members, who had tabled starred question no. 321 were absent on 26 April 1995 and some other members submitted that the Chairman should request the Minister of Home Affairs to reply the question, some points were raised regarding the interpretation of rules 54(3) and 55. The Chairman giving a ruling on 28 April 1995, referred to a precedent when on 22 July 1952, the then Chairman Dr. S. Radhakrishnan had permitted to put the question

on behalf of a member in whose name the question stood in the list of questions for oral answers and supplementary questions were also asked thereon. The Chairman also cited the ruling of the then Chairman, Shri V. V. Giri given on 28 August 1968 (quoted above) and observed:

The rules on the subject are clear and are reinforced by precedents in the House. They give discretion to the Chairman to direct that question be answered in case it is not put or the member, in whose name it stands, is absent. But this discretion from the Chair will be exercised in very exceptional cases.

In conclusion, the Chairman also stated:

I also make it clear and urge that a member whose question is admitted is expected to be present in the House to put the question unless the member is unable to do so for unavoidable reasons.

Thereafter, when a member requested the Chairman to fix a date for that question, the Chairman declined, saying that there was no precedent for that. The question, therefore, was treated as unstarred and answer thereto was deemed to be placed on the Table of the House.<sup>396</sup>

On an occasion, when the questioner was absent and some members requested the Deputy Chairman to allow the question to be answered, the Deputy Chairman denied the permission by saying "...when the questioner himself is not present in the House, then we will be unnecessarily wasting the time of the House. The question was put by two hon'ble members. Both of them are not here. If they could not be in the House, they should not have put the question."<sup>397</sup>

On another occasion, when starred question nos. 467 and 468 were called, the members concerned, though present in the House, did not respond to Chairman's call for asking the question. Another member asked for Chair's ruling on the issue and the Chairman gave the following ruling:

"When a member is present in the House and he did not register his presence with regard to the procedure for asking the question, the Chair has no option but to assume that the Hon'ble member is not present in the House for the purpose of Question Hour".<sup>398</sup>

The questions, therefore, were treated as unstarred and answers thereto were deemed to be laid on the Table of the House.

An amendment to rule 54(3) has, however, been made to allow the questions of absent members to be taken up for oral answers. The amendment to rule 54(3) provides that:

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If on a question being called it is not put or the member in whose name it stands is absent, the Chairman shall direct that the answer to it be given.

Hence, now, if the Chairman calls a question and the member concerned is absent, the Chairman directs that the answer to it be given by the Minister. He also permits supplementaries to the question by three other members.<sup>399</sup>

The General Purposes Committee in its meeting held on 27 July 2009, while discussing the Memorandum on 'Improvement in the output of Question Hour' took note of the issue of a member absenting himself/herself from the House during the Question Hour, when his/her name was called by the Chair to put the question included in the starred list. Members took serious exception to the fact that due to absence of the concerned member, sometimes a significant question remained unanswered on the floor of the House thereby letting the executive go unscrutinised on a matter of public importance. They were strongly of the view that once a question has been included in the starred list, it becomes the property of the House and in the absence of the questioner, if a member present in the House is willing to raise that question, the Chairman should direct the Minister to reply to the question and allow supplementaries thereon as per normal practice. The Chairman observed that the relevant rules may be revisited, so that such questions could be taken up for answers at their own places in the list on the direction of the Chair. In this backdrop, the Committee on Rules discussed the issue in its meeting held on 25 November 2009 and suggested to amend rule 54(3).

### **Absence of questioners during Question Hour**

On certain occasions, the House faced a very peculiar situation owing to the absence of members, on a large scale, in whose names questions were listed for that day.

One day the Chairman called, question nos. 181 to 185 but the questioners were absent. He remarked, "I think we will finish the Question Hour very early today". Thereafter, when question nos. 186 to 188 were called and the questioners were absent, the Chairman quipped, "If we finish all the questions, what shall I do"? First to twelfth questioners were absent in a row. Even the eighteenth question was orally answered. In the end the Chairman remarked, "Today we have almost completed the questions".<sup>400</sup>

On an occasion, when a number of members in whose names questions were listed were absent, a member put forth a suggestion that those

members who remain absent should be black-listed for one week at least and they should not be on the ballot. The Chairman expressed his agreement to this suggestion by saying—“yes, I agree with you”. When first ten questioners were absent in a row on that day, the Chairman quipped—“this is an extra-ordinary situation. I think the Parliament has dissolved itself”. After the tenth questioner was called, the eighth questioner, who was absent when his name was called, turned up. Apprehending that the starred question list may get exhausted due to the absence of members, the Chairman permitted him to put down his question. After the eighth question was over and the sixth questioner sought the permission of the Chairman to put his question by saying that “Sir, I came at 11.04 am and by that time my name was called. My question no. was 506. I may be permitted, Sir”. The Chairman gave the ruling that “in view of the exceptional situation which prevailed here I allow him”. The seventeenth question was taken up for oral answer that day.<sup>401</sup>

There have been other occasions when twelfth<sup>402</sup> and fourteenth<sup>403</sup> questions were taken up for oral answers.

The Deputy Chairperson irked by the absence of questioners in the House one day expressed serious concern by commenting—“It is a sad part that the members who put question... Even the day before yesterday, I made this comment that any member who put a question should have the seriousness to be present in the House in the Question Hour; otherwise, it comes in the ballot and members prepare supplementaries and it is not fair...”<sup>404</sup>

On 26 November 2002, immediately after the Question Hour was over, the Chairman observed that since a lot of time and effort is involved in preparation of answer to a question, the member in whose name question is listed for oral answer, shall remain present in the House during Question Hour or in case of his/her inability to do so, he/she must either inform the Chair in writing or authorise some other member to ask the question on his/her behalf.<sup>405</sup>

### Supplementary questions

No discussion is permitted during the question time in respect of any question or of any answer given to a question.<sup>406</sup> However, any member when called by the Chairman may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.<sup>407</sup> Supplementary questions should, therefore, be brief and confined to asking further information rather than making long speeches. As observed by the Chairman, “Everybody should put only questions... and no speeches, as far as possible, should be made. Some questions tend to be rather long. But I think it always adds to efficiency if questions are brief

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and the answers are also brief. That way we can deal with many more questions".<sup>408</sup>

Successive Chairmen have cautioned against long prefatory supplementaries and impressed upon members to be brief. For instance, once the Chairman remarked, "It is very difficult for me to distinguish between a speech and a question. The style of this House is such that there are many speeches put in the garb of questions."<sup>409</sup> At one stage the Chairman ruled that no speech should be made at the question time before a question is put.<sup>410</sup> On an occasion, the Chairman observed:

I will discourage anybody from making speeches during the Question Hour. So far as the Question Hour is concerned, we should have only questions and answers and I am against the idea of any member making a speech and then following it up with a question.<sup>411</sup>

On another occasion at the commencement of Question Hour, the Chairman made the following announcement:

Before I call upon the hon'ble members to put their questions, may I request them that if any supplementary is to be asked, they will first formulate the supplementary question and not indulge in a speech because a speech is not needed for the purpose of asking supplementaries. If a speech is made, I will be compelled often to rule out the question.<sup>412</sup>

Again, the Chairman made the following announcement before the start of Question Hour on some other occasion:

I have only one request to make to hon'ble members, and that is, to be as brief as possible in framing their questions. In fact 150 words is the limit in the rules and one minute probably is required to frame a proper question. If hon'ble members take five or seven or ten minutes, I shall let them go on because I do not want to hurt their feelings, but then I shall probably bear them in mind and not call upon them for sometime to come. So please take note. Also don't try to butt into every question. Choose your question because I want to give a chance to as many members in the House as possible and to get down to at least 15 or 16 out of these 20 questions.<sup>413</sup>

On 25 November 1980, in the context of a member's remark that only three questions were covered and members should be stopped from making long speeches (during Question Hour) the Chairman stated, "I will not be able to go on to the second question if from first to the second is a journey to be travelled over the noises made by the hon'ble members who wish to ask questions having not first thought of the questions while sitting here".<sup>414</sup>

On 10 July 2009, the Chairman made the following observations:

....if every supplementary question is going to be a speech, then perhaps, not even one question will be answered. It is for the members to decide whether they want other questions to be answered. So let questions be questions.

During the course of deliberations, it was agreed that supplementary questions asked by members, should be brief, precise and focused. It was also suggested by some members and agreed to by the Chairman that the answers given by Ministers should also be relevant and to the point of the supplementaries raised by the members.<sup>415</sup>

Silimilarly, on the 15 July 2009, the Chairman observed:

Hon'ble Members, Question Hour is meant only for asking Questions and there is no place for general debate in it. Let us stick to the procedure, if you need any clarification through supplementary question based on answer to the question then you ask and Minister would reply.

The Chairman added:

If the procedure for questions and answers is not adhered to, then Chair has no other option than to leave that question and go to the next question.”

The Chairman further observed:

See, what I am suggesting is in the interest of all so that the questions that have been asked may be answered properly. If you want debate on that then there is another procedure for that and that procedure can be followed. But if you want a general debate during Question Hour then nothing will happen.<sup>416</sup>

Conditions of admissibility applicable to a main question are also applicable to a supplementary question and the Chairman disallows any supplementary question, if, in his opinion, it infringes the rules regarding questions. For instance, the Chairman has ruled out a supplementary question if it has not arisen out of the main question <sup>417</sup> or if it asks for a policy matter.<sup>418</sup>

On 18 December 2008, the Chairman observed that supplementaries are intended to follow from the main question.<sup>419</sup> Similarly on 15 July 2009, the Chairman observed that “the supplementary question must relate to the answer given.”<sup>420</sup>

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On another occasion on 31 July 2009, the Chairman directed that in view of the question being related to Rajasthan, only supplementaries relating to the State would be allowed.<sup>421</sup> On yet another occasion on 9 December 2009, the Chairman ruled:

Ask the supplementary relating to the subject; I don't think the practice of opening up is particularly helpful. I am afraid, I have to rule this out of order because it does not pertain to the question.<sup>422</sup>

There had been instance when in order to emphasise precise replies to the supplementaries asked, the Chairman, while limiting the reply to a supplementary being answered by the Minister of Commerce and Industry on 4 August 2010, observed:

Could you stick to the question and answer only?

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We will not expand the scope of the question.<sup>423</sup>

On another occasion, at the beginning of the Question Hour on 13 August 2010, the Chairman made the following observation:

Hon'ble members, it has been observed that during the Question Hour and while asking supplementary questions, attempts are, at times, made to raise matters that go beyond the scope of the admitted question. Members are reminded that supplementary questions should flow from the original questions. The supplementary asked should be **brief, specific, relevant and within the scope of the main question**. Members should seek information rather than give information or make suggestions for action. They should avoid prefacing their supplementary with an introductory statement.

Ministers are requested to give brief answers to supplementary questions and offer to provide details, if essential.

The Chair solicits cooperation of all members and Ministers in this regard so that maximum number of questions could be covered during the Question Hour.<sup>424</sup>

Similarly on 3 August 2011, the Chairman observed:

Supplementary questions must arise out of the main question and the answer given to the main question. It cannot be the subject of an open-ended debate. There are other avenues for such debates.<sup>425</sup>

The Chairman has also not permitted supplementaries or further supplementaries on grounds that the Government has promised to make a statement on the subject,<sup>426</sup> a discussion on the subject is scheduled,<sup>427</sup> the question could await the Budget speech,<sup>428</sup> or the subject has already been discussed earlier.<sup>429</sup> The Chairman has also ruled that except the supplementaries anything said without his permission would not go on record and the Minister need not take cognizance of interruptions so that more questions are covered.<sup>430</sup> As elaborated by the Chairman:

I have given strict instructions that anything which is said without the permission of the Chair should not go on record. There is a set rule to be followed during the Question Hour... This is a well-established practice. Otherwise, you will need as many reporters as the number of members here because some interruptions are coming from this side and some from that side. The Question Hour is very important. It is the time when we seriously want to know what is what from the Government. This Hour is not for opposition ... or the party which is the ruling party, it is something when we all want to know things and this we can do by putting short questions. We can put them in a nice way, and convey it to the Minister, but let it go on systematically. Otherwise, what happens is when we all move away from the point, the whole point gets lost. If any member wants to know something more from the Minister, he can ask a supplementary.<sup>431</sup>

On another occasion, when the Minister was replying to the supplementary raised by a member, it was contested by the Minister that the supplementary raised did not pertain to the main question, to which the member argued that his supplementary arose out of the main question. The Chairman subsequently observed:

Hon'ble members, if it is proposed to convert the Question Hour into an Argument Hour, then I would call the Committee on Rules and put a proposal before it. If the answer is unsatisfactory, if the answer is misleading, there are established procedures for taking up that matter - *i.e.* we, cannot have an argument going with people talking at each other all the time, and in that case we just will not be able to do any business.<sup>432</sup>

Supplementaries based on suppositions or assumptions are disallowed by the Chairman.

On 28 February 1984, during the question hour, a member asked a question regarding the search by the Income-Tax and Central Excise Departments in certain rooms of the Ashoka Hotel, Bangalore, on 27 December 1983, to unearth unaccounted money and gold in possession of some persons. Another member asking a supplementary said that some people kept booking the rooms in the names of others

but in actuality they themselves were staying there. He further expressed his doubt that there was an attempt to topple the Janata Government in Karnataka. The Chairman, disallowing the supplementary question, observed:<sup>433</sup>

I am afraid this question cannot be allowed. You are asking on suppositions which you are making for yourself that the room was in the name of 'A', but it was occupied by 'B', and, therefore, it should have been searched. The law does not allow it.

### **Limit on the number of supplementaries and coverage of questions during Question Hour**

Although 15 questions are listed in the list of questions for oral answers, on an average just 5-6 questions are covered during Question Hour and the remaining questions get written answers only, without opportunity for any supplementaries thereon. Successive Chairmen and also the whole House have been exercised over the problem of low coverage of questions during Question Hour. The dilemma of the Chair in this matter has been expressed succinctly in a brochure as follows:

A notable feature of question time is the way in which the Speaker controls its pace. If he calls too many supplementaries the Minister will be put to a close scrutiny on a few questions, but the total number of questions answered will be small. If he calls too few supplementaries, more questions will be answered orally, but the Minister may be given too easy a passage. A balance has to be struck; and it is likely to be struck differently by different Speakers.<sup>434</sup>

As mentioned earlier, progress is sometimes achieved by the Chairman's periodic appeals to members to keep their supplementary questions brief or short, precise and pointed<sup>435</sup> and by checking a member who is either too lengthy or is using question time as debating time. So far as Ministers are concerned, a practice has been established that if they wish to give lengthy answers, they should lay the same on the Table of the House instead of reading them out in the House.

With a view to limiting the number of supplementaries on a question and thereby covering more questions during Question Hour, the Chairmen have introduced informal rules from time to time. For instance, the Chairman, Shri V.V. Giri, adopted a rule that for an important question not more than ten minutes would be devoted and for an ordinary question only five minutes would be allowed.<sup>436</sup> The Chairman, Shri M. Hidayatullah, introduced an eight minute rule per question.<sup>437</sup> The Chairman, Shri R. Venkataraman introduced a two minute rule whereby the questioner was given only two minutes for asking a supplementary.<sup>438</sup>

The matter of coverage of questions during Question Hour has been raised in the House on a number of occasions.<sup>439</sup>

When many members rose to ask supplementary questions on a question regarding minority community in East Pakistan, the Chairman observed:

I notice that members have not been able to appreciate my request made last time that they should impose on themselves some sort of a self denying ordinance on their curiosity because if I allow everybody who wants to put a question to do so, I will be able to take up not more than five questions. It seems I have not succeeded. I would next try to allow everybody to put a question so that members can experience how much business they can do.<sup>440</sup>

On an occasion the Chairman said that it was thirty-five minutes and only one question was finished, and asked, "Is it just?" He then observed:

I would also like to make it clear that so far as leaders of parties are concerned, I will be very strict in not allowing them to put more than two questions when they are questioners. Other members will have one supplementary each.<sup>441</sup>

On 20 November 1967, before calling the next question, the Chairman stated that the previous question had taken fifteen minutes and asked whether it was the opinion of the House that only four questions be taken up in one hour. Then he observed:

I would like to finish at least twelve questions a day, if not fifteen. If it is an important question, I will allow two important questions on each day for ten minutes and the other questions three minutes and a bit extraordinary five minutes. In that case there will be at least twelve questions.<sup>442</sup>

When several members stood up after a reply to a supplementary by the Minister, the Chairman made the following observations:

I would like to divide questioners into four categories. One is leaders of parties. In fact my suggestion and humble advice to leaders of parties is to allow their lieutenants to put questions during Question Hour .... Number two, there are persistent questioners, the same gentlemen, standing on every question. I do not know, and I fear if they begin standing in that way, I should omit them from certain questions. There are certain questioners who get up rarely and I certainly try to see how best I can accommodate them and avoid the persistent questioners ...<sup>443</sup>

The matter of coverage of questions again cropped up on 26 June 1980, in the context of a long reply to a question which a member felt, should have been placed on the Table of the House. The Chairman stated

that a meeting of Vice-Chairmen would be called to rationalise Question Hour. A member suggested that members from parties also be called.<sup>444</sup> Accordingly, a meeting of leaders of various political groups in the Rajya Sabha was held by the Chairman with a view to ensuring the maximum coverage of questions for oral answers and the following broad consensus was arrived:

- (i) Members may be requested to put their supplementary questions in brief and to the point without any preface or introductory remarks. The same rule should apply to Ministers while replying to the supplementaries.
- (ii) A member who has been permitted by the Chairman to put a supplementary question may not generally be given another opportunity during Question Hour on that day.
- (iii) The Chairman may, in his discretion, ask any member who raises his hand to put supplementary questions but he (the Chairman) is not obliged to permit every member who raises his hand to ask a supplementary question.
- (iv) The leaders of various political groups in the House should extend full cooperation to the Chairman in this regard.

It was also decided:

- (i) In case a question stands in the name of one member, two extra supplementaries; in case of two members one extra supplementary; in case of three members, no extra supplementary will be allowed on that question.
- (ii) At least ten to fifteen questions in the list of twenty questions a day be covered during Question Hour.

The above consensus was broadly endorsed by the Panel of Vice-Chairmen at a meeting held on 2 July 1980.

On 28 July 1980, at the commencement of Question Hour the Chairman announced that...It has been informally agreed that not more than six supplementaries will be allowed on any question because, otherwise, the others do not get a chance at all. He also explained how he would regulate the supplementaries.<sup>445</sup>

On 26 November 1980, at the commencement of Question Hour, the Chairman announced:

I shall not allow more than eight minutes for each question and at the end of eight minutes, which I shall time by a stop-watch, I shall stop it even in the middle of a question. And if any member

takes more than a minute to ask the question, I shall ask the Minister not to answer that question...<sup>446</sup>

On 17 December 1980, a member on a point of order, complained that not more than three questions could be covered in Question Hour. He alluded to the decision of the Chairman (Shri M. Hidayatullah) to apply eight minute rule (*i.e.*, one question to be concluded within eight minutes) allowing only one supplementary to one member so that more questions could be covered and he even brought a stop-watch for the purpose. Some controversy arose out of this but the Chairman closed the matter with these observations: "From tomorrow...at the seventh minute, this bell would be rung and on the eighth minute, in the middle of a sentence, I will stop anybody."<sup>447</sup>

As a measure to cover more questions during Question Hour, the Deputy Chairman did not allow seventeen members who had raised their hands to ask supplementary questions on the 'Condition of National Highways in Assam, Rajasthan and M.P.', as the question had already taken half-an-hour. When a member who was not allowed to put supplementary question said "I am leaving the House in protest", the Deputy Chairman said—"okay, you may leave because there are many people who have to put questions... there is a limit. You cannot have 30-40 questions on one question... do you think there are no other questions". Thereafter, while the next question was being answered, the Deputy Chairman ruled:

In the last question, 17 questioners could not put their questions. I have sent their names to the Minister with a request that he may write to all with regard to their queries. So, the 17 hon'ble members can send their queries to the Minister. I have already allowed nine members to put their queries only on one question and 17 more names were there. So, the Minister will reply.<sup>448</sup>

On an occasion, when some members wished to raise supplementaries, the Chairman observed that "the right to ask supplementary question is with the member whose question has been admitted. Everybody else has no right. It is a courtesy from the Chair."<sup>449</sup>

On another occasion, when a member repeatedly insisted that he should also be allowed to raise a supplementary question, the Chairman observed, "Supplementary is a matter of chance and courtesy. It is not a right."<sup>450</sup> Further, on the same day the Chairman again observed that "Supplementary Question is not a party right."<sup>451</sup>

A member permitted by the Chairman to put a supplementary question is not generally given another opportunity during Question Hour on that day. The Chairman may, in his discretion, ask any member who raises his hand to put a supplementary question but he is not obliged

to permit every such member to ask a supplementary question. Generally, the Chairman permits two supplementaries to the member in whose name a starred question has been listed and one supplementary each to three more members.

However, on an occasion, when the first questioner was absent, the second questioner was permitted to ask two supplementaries and in the meantime when the first questioner turned up he was allowed one supplementary. When identical questions are taken up together for oral answer on the floor of the House the questioner of the first question is allowed to put two supplementaries while the subsequent questioners are allowed to ask one each.<sup>452</sup>

During the course of the Question Hour on 25 November 2002, the Chairman observed that henceforth not more than two members may be allowed to ask supplementaries on a starred question, apart from the member(s) against whose name the question is listed so that maximum number of questions could be covered for oral answer.<sup>453</sup>

On 7 December 2007,<sup>454</sup> when the question which was listed in the name of two members was called, the first questioner was not present in the House. The Chairman permitted the second questioner to ask two supplementaries. In the meantime, the first questioner occupied her seat and got permission to ask only one supplementary.

Subsequently, to a decision taken in a Leaders' meeting convened by the Chairman on 11 March 2008, it was decided to permit only two supplementaries after the questioner member(s) had raised the supplementaries.<sup>455</sup>

On 14 March 2008<sup>456</sup> the first questioner, while asking his first supplementary was making a long statement, on which, the Chair asked him to be pointed and brief. However, he continued with his speech, and as a result the Chairman did not allow him to raise the second supplementary.

On 13 July 2009<sup>457</sup> when one member sought to ask two supplementaries at a time, another member brought to the notice of the Chairman that the member has got a chance to put two supplementaries. At this, the Chairman observed, "My point is very simple. There should be one supplementary at a time..." The member was permitted to put the same later after the Chairman got satisfied that he was raising only one supplementary.

When a member was asking supplementary question on 15 July 2009<sup>458</sup> the Chairman requested him to ask only one question. The member, however, went on with his second supplementary. Then the Chairman observed, "I would request the Hon'ble Minister to answer any one question whichever he prefers".

On 17 July 2009,<sup>459</sup> the Chairman observed that for supplementary question, the rule is that if more than one supplementary is asked by the same member, only one will be answered by the Minister concerned.

On 27 July 2009,<sup>460</sup> a member, who was the second questioner requested for raising second supplementary. However, the Chairman observed:

You are only associated with the question. You did not ask it. I am afraid, if the main questioner is absent, the right cannot be delegated to someone else.

On 29 July 2009,<sup>461</sup> a member who was the second questioner put two supplementaries. The Chairman directed the Minister to answer the first part only.

On 7 August 2009,<sup>462</sup> while asking supplementary question, a member asked more than one supplementary question. The Chairman asked the Minister to reply to only one of the questions. The Minister, however, requested the Chairman to allow him to answer all the questions stating that there was panic outside and things were not put in the right perspective by different channels and this was the best opportunity and the best forum for him to share whatever information he had to help in spreading the right message across the country. The Chairman allowed the Minister to reply all supplementaries of the member.

On 26 November 2009,<sup>463</sup> the second questioner was allowed to ask two supplementary questions when the first questioner was not present.

On 8 December 2009,<sup>464</sup> the first questioner was not present and the second questioner was allowed to ask two supplementaries. After reply of the supplementaries, the first questioner arrived and he was allowed to ask only one supplementary.

The current practice regarding the number of supplementaries to starred questions is governed by the following direction<sup>465</sup> of the Chairman:

Two supplementaries may be allowed to the member in whose name a starred question has been listed. Besides, three more members may be allowed one supplementary each. In case of a starred question, which is not put or the member in whose name it is appearing is absent, three members may be allowed one supplementary each.

There have been instances, after issuance of this direction, when the Chairman had to make observations/rulings regarding the number of supplementaries.

On 29 April 2010,<sup>466</sup> after three members had asked supplementaries after the original questioner, a member stood up to ask for

supplementary question. On this, the Chairman ruled, “You have made an observation. It will go on record. But it is not a supplementary question”. Here, the rule of three supplementaries besides first/original questioner was followed by the Chair.

On 4 March 2011,<sup>467</sup> after two supplementaries had been answered by the Minister regarding a short notice question, the member raised his third supplementary question. But the Chairman called the name of next member for asking supplementary question. On a request to let the Minister respond to his third supplementary question, the Chairman observed, “I think you have asked your two supplementaries.” At this, the member said, “We cannot simply go by rules only.” The Chairman then allowed the third supplementary question of the member to be answered orally by the Minister.

On 14 May 2012,<sup>468</sup> when a member wanted to ask a supplementary after five supplementaries had already been asked, the Chairman clarified the position stating:

...A supplementary question to a main question, apart from the person who has asked the question, is something by way of a courtesy given to individuals. The rule in this House, as far as the Rule Book is concerned, is two supplementaries. This Chair is giving you three supplementaries. The rule in this House, as the Rule Book is concerned, is two supplementaries. The Chair tries to rotate the supplementaries around the House, party-wise, front bench-wise, back bench-wise, etc...

### **Use of languages other than Hindi and English during Question Hour**

If a member, in whose name a question appears in the list of questions for oral answers wishes to ask a supplementary question in any of the languages mentioned in the Eighth Schedule to the Constitution (other than English and Hindi), then he has to give an advance intimation to that effect. The simultaneous interpretation arrangements are provided for the purpose. This facility is available only to the member in whose name the question appears in the list of questions for oral answers. Advance notice in such a case has to be given by the member concerned by 3.00 p.m. on the working day preceding the day on which the question is listed for answer. In the printed proceedings only an English version of the supplementary question asked in a language other than Hindi or English is incorporated.<sup>469</sup>

On an occasion, the Minister of Health and Family Welfare (Shri Raj Narain) answered the main question in Tamil. Members objected to

this, saying that they were unable to understand the answer which should have been given either in English or in Hindi. After some points were raised, the Chairman ruled, "When members put questions they are entitled to get the replies from the hon'ble Minister. It is a well-established practice here that the reply should be either in English or in Hindi."<sup>470</sup>

A member who was not the first questioner asked a supplementary question in Bengali. When the Minister sought permission to answer in Bengali first and offered to translate it in English also, the Chairman stating that then there would be no end, observed, "The rules are very clear that the original person who puts a question is permitted and not the rest." The Chairman directed the Minister to reply in English. After a while another member, before putting his supplementary question, stated that a new precedent had been set up by allowing a member who was not the original questioner to put a supplementary question in a regional language and hoped that whenever a member wanted to put a question in his mother tongue in future he would not be stopped. The Chairman clarified that he had not set any precedent; it was as a sort of a joke.<sup>471</sup>

When a Minister was replying to the supplementary question put by a member in English, the questioner requested him to speak in Hindi but another member protested saying that she does not understand Hindi.

The Chairman ruled, "I leave it to the Minister. He can answer in any language... The Minister will answer in whatever language he wishes."<sup>472</sup>

### **Advance publicity to answers to questions**

Answers to questions which Ministers propose to give in the House are not released for publication until the answers have actually been given on the floor of the House or laid on the Table.<sup>473</sup>

### **Short notice questions**

A question relating to a matter of public importance may be asked for oral answer by a member with shorter notice than fifteen (previously ten) clear days.<sup>474</sup> In such a case, the member has to briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the same is returned to the member.<sup>475</sup> A standard printed notice form for a short notice question is available in the Notice Office. The notice form can also be downloaded from the website <http://rajyasabha.nic.in>

Earlier where notice was signed by more than one member or where two or more members gave short notice questions separately on the same

subject, names of only two members from whom notices were received in point of time were clubbed together for inclusion in the list of short notice question as in the case of a starred question. There had been an instance, on 9 August 1971, when a short notice question stood in the names of twenty-four members. Now short notice question stands listed against the name of only one member just as in the case of a question listed for oral answer.

If the Chairman is of opinion that the question is of an urgent nature, the Minister concerned is asked whether he is in a position to reply to the question at a shorter notice and, if so, on which date.<sup>476</sup> If the Minister concerned is in a position to reply, such question is answered on a day to be indicated by him and at the time to be determined by the Chairman.<sup>477</sup> An intimation to this effect is sent to the concerned member. In case the Minister regrets his inability to answer the question at a short notice, the member concerned is informed accordingly.

On an occasion, notice of a member for answer by the Minister of Panchayati Raj was listed as starred question for reply on 8 December 2011. The member was, however, dissatisfied with the replies given to the supplementaries raised during the debate. Other members too expressed dissatisfaction to the replies of the supplementaries. The Minister concerned, then stated that his answer related to the matters pertaining to the Ministry of Panchayati Raj, not the matters under jurisdiction of other Ministries particularly Ministry of Rural Development. On demand from the members, the Chairman postponed the question for reply to a later date. Thereafter, the member gave an identical notice of short notice question for reply by the Minister of Rural Development.<sup>478</sup>

The notice was listed for 13 December 2011 without seeking convenience of the Minister of Rural Development, thereby bypassing rule 58(1).<sup>479</sup>

In cases where the matter referred to in a question is not considered to be urgent, the question may be considered for answer either as a starred or unstarred question in the ordinary course with the required notice either at the request of the member or otherwise. If the Minister is not in a position to answer the question at shorter notice and the Chairman is of the opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 39. However, not more than one such question can be accorded first priority on the list of questions for any one day.<sup>480</sup>

The Committee set up to recommend Draft Rules of Procedure in considering the then rule relating to short notice questions took

note of a general feeling among members that the existing procedure by which a Minister had the final say in regard to answering short notice questions had often worked to the disadvantage of members and that the rule should, therefore, be modified so as to vest final authority in the Chairman in this regard. The Committee, therefore, recommended, as a compromise the incorporation of a new sub-rule [58(3)].<sup>481</sup>

When a short notice question is admitted and placed on the agenda, generally it is called immediately after Question Hour or after the starred questions for the day have been disposed of. If Question Hour has either been dispensed with or has not been provided for, it may be called for answer as the first item of business, and if there is a new member to take oath or affirmation or any obituary or other reference, etc. then immediately thereafter. Sometimes, however, a short notice question may also be taken up later in the day.

On an occasion a short notice question was taken up after the lunch-recess;<sup>482</sup> on another occasion it was taken up at 4.32 p.m.,<sup>483</sup> and yet on another occasion it was taken up after a reprimand was administered to a contemner.<sup>484</sup>

Ordinarily, a short notice question is completed within a short period, although there are instances when it has gone beyond one or even two hours.<sup>485</sup>

Normally, as per practice only one short notice question is put down for answer for a sitting, although there have been instances of early years when more than one such question had been put down and answered one after the other.

On 17 November 1965, 6 September 1966, 9 September 1966, 31 August 1968 and 11 May 1978, there were two short notice questions; on 10 September 1957 and 3 September 1966, there were three while on 26 June 1962, there were four such questions, listed for answers.

The member who has given notice of the question has to ask the question by reference to its number on the list of questions when called by the Chairman and the Minister concerned has to give a reply immediately.<sup>486</sup> A separate list of short notice question(s) is printed on a white paper, and the numbering is done consecutively for each session. In other respects, the procedure for short notice question is the same as for ordinary questions for oral answers, with such modifications as the Chairman may consider necessary or convenient.<sup>487</sup>

If a member in whose name a short notice question stood was absent, a written answer was laid on the Table of the House.<sup>488</sup> Sometimes, a short

notice question was permitted to be asked by another member on behalf of a member who was absent on specific authorisation. In such a case the Chairman used to put the matter before the House for ascertaining its consent.<sup>489</sup>

On an occasion, when a member in whose name a short notice question stood was absent and another member wanted to ask that question, the Deputy Chairman did not permit and the answer to the question was, therefore, laid on the Table of the House.<sup>490</sup>

When a short notice question was not answered as the House adjourned after making obituary reference to the passing away of Shri P.R. Kumaramangalam, Minister of Power, it was postponed from 24 to 25 August 2000 and was answered orally.<sup>491</sup>

When a short notice question is not orally answered on the floor of the House due to adjournment, answer to the same is treated to have been laid on the Table of the House the next day.<sup>492</sup>

A short notice question listed for 16 August 2010 could not be taken up for answer in the House on that day.<sup>493</sup> The Chairman, on the request of both the member and the concerned Minister, postponed the question for 17 August 2010.<sup>494</sup>

As of now, if the questioner is absent, the Chairman shall direct that the answer to it be given.<sup>495</sup>

If a Minister wishes to correct a reply to a short notice question, he has to read it out, as in the case of a correcting reply to a starred or supplementary question.<sup>496</sup>

### Half-an-hour discussions

The Chairman may permit a member to raise a discussion on a matter of sufficient public importance which has been the subject of a recent question—oral or written—and the answer to which needs elucidation on a matter of fact.<sup>497</sup> A member wishing to raise a discussion has to give notice in writing three days in advance of the day on which the matter is desired to be raised and has to briefly specify the point or points that he wishes to raise.<sup>498</sup> The notice period may, however, be waived by the Chairman with the consent of the Minister concerned.<sup>499</sup> The notice is required to be given in the standard form in light green colour available in the Notice Office. The notice form can also be downloaded from the website <http://rajyasabha.nic.in>. The notice should be accompanied by an explanatory note stating the reasons for raising the discussion on the matter in question.<sup>500</sup> The notice is also required to be supported by the signatures of at least two other members.<sup>501</sup>

If more than two notices have been received and admitted by the Chairman, a draw of lots is held with a view to selecting two notices and the notices are put down in the order in which they are received in point of time.<sup>502</sup> (For the first time two half-an-hour discussions were listed on 8 May 1981)

If a notice is admitted, the discussion is limited to half-an-hour and is held from 5.00 p.m. to 5.30 p.m. If the other business set down for the day is concluded before 5.00 p.m., the period of half-an-hour commences from the time such other business is concluded. However, the Chairman may vary the time of commencement of such discussion if such a course is, in his opinion, necessary or convenient.<sup>503</sup> However, there are instances when half-an-hour discussions continued beyond the stipulated period of half-an-hour.

Half-an-hour discussions on the British Nationality Bill,<sup>504</sup> Navodaya Vidyalayas and universalisation of elementary education lasted for nearly two hours,<sup>505</sup> the one on counter-trade agreement with Bofors went on for three hours,<sup>506</sup> the half-an-hour discussion on Bofors was taken up at 10.28 p.m. and it went on for nearly five hours, beyond 3.00 a.m. the next day.<sup>507</sup>

If half-an-hour discussion on a particular day is not disposed of on that day, it is included in the list of business for the next available day with the consent of the concerned member. But in any case not more than two such discussions are listed on any day.

There is neither a formal motion before the House nor voting. The member who has given notice initiates the discussion by making a short statement and the Minister concerned then replies shortly. Thereafter, the members who have given prior intimation to the Chairman are permitted to put a question each for the purpose of further elucidating any matter of fact.<sup>508</sup> The Minister concerned replies to the question asked at the end and that concludes the discussion.

On an occasion, the Minister (Shri V.V. Giri) made a statement before the start of the discussion to "shorten the discussion." The subject was appointment of a Central Tribunal for dealing with disputes between news-agency managements and their employees.<sup>509</sup>

On some other occasion, members were permitted to put questions first on the request of the concerned Minister and the Minister replied at the end, departing from the usual procedure.<sup>510</sup>

One day, half-an-hour discussion started at 7.02 p.m. The members who had given the notice initiated the discussion. The Minister

concerned replied to the points raised by the members. Thereafter, four other members put questions. At 7.39 p.m., the Vice-Chairman announced the consensus of the House that the reply to the discussion by the Minister may be sent to members in writing. It was a departure from the usual practice of replies being given on the floor of the House by the concerned Minister.<sup>511</sup>

On 12 August 2011,<sup>512</sup> when supplementaries to starred question regarding 'Development of higher and technical education in underdeveloped States' were being answered by the Minister, members were agitated for not sanctioning any new Central University for Uttar Pradesh and there were interruptions. The Chairman then observed:

To the best of my recollection, I do not have any notice from any of the Hon'ble members who have been talking on the subject, relating to this question, that there should be a discussion on this or a related subject. So, I do not understand why there is a sudden eruption. If you feel that a subject should be discussed, please give notice.

If a member in whose name the half-an-hour discussion is put down in the list of business is absent, any member who has supported the notice may, with the permission of the Chairman, initiate the discussion.<sup>513</sup> The discussion may be postponed to some other day on request when the member concerned is absent due to certain unavoidable reasons on the day on which the half-an-hour discussion is scheduled to be held or at the request of the Minister or if the House so decides.<sup>514</sup>

One member requested that taking cognizance of mood of members, half-an-hour discussion on the subject may be allowed.

The Chairman stated, "I am willing to give you that. I do not have a problem. But please give notice."

Subsequently, half-an-hour discussion notices on the issue were given by two members which were admitted without calling for facts from the Ministry, in view of the proceedings in the House and the observations made by the Chairman. The half-an-hour discussion was later discussed on 25 August 2011.<sup>515</sup>

### **Computerisation of Questions**

Application of information technology for accelerated connectivity, quick access and dissemination of information and faster disposal of work has been the defining theme of our age. Therefore, to facilitate faster processing and delivery of information, accurate analysis of facts and figures,

higher efficiency and productivity, use of computers has become inevitable. Question Branch has witnessed application of information technology in its manifold activities. The process of computerisation in Question Branch started in the year 1999. The following information has been made available on the Rajya Sabha Website:-

- (i) Question Chart;
- (ii) Question Calendar;
- (iii) Ballot Lists;
- (iv) Grouping of Ministries;
- (v) Session-wise statistical information regarding Questions;
- (vi) Ministry-wise list of Nodal Officers; Pamphlet on subjects for which various Ministers are responsible for answering Questions in the Rajya Sabha;
- (vii) Precedents; and
- (viii) General information regarding Questions.

Following Softwares have been operational for faster dissemination of information and simplifying the procedures through use of Information Technology:

- (i) Parliament Question Processing System application (Diary software);
- (ii) Holding ballot of Notices of Questions (Notices for written answer only);
- (iii) Electronic transmission of answers to questions from Ministries to the Secretariat;
- (iv) Electronic search of questions and answers;
- (v) Dashboard application for back office applications.

### **Uploading of answers to questions on the Rajya Sabha Website**

Answers to Parliament questions are made available on website from 174<sup>th</sup> Session onwards. Initially NIC provided e-mail facility to all Ministries/ Departments to mail their replies to Question Branch. Questions and their answers were transferred to the Parliament Division in the Ministry by LAN (or floppy if e-mail facility is not available) for centralising the material. The NIC official and the Parliament Division of the respective Ministry after checking that all the answers for the day have been received used to

transmit the text of the questions and answers by e-mail (as an attachment) to the Rajya Sabha Secretariat as soon as Question Hour of the day is over. There were problems of non-receipt of some answers through e-mail some time. These replies were uploaded by scanning hard copies thereof during Inter-Session period. All replies which were not received through e-mail from Ministries were uploaded before the commencement of next session.

To obviate the problem of non-receipt of all the answers through e-mail from Ministries, all Ministries/Departments were requested to appoint a Nodal Officer for coordinating the e-mailing of answers to questions. However, pendency of answers through e-mail continued. To overcome the problem of pendency in e-mailing of replies to Parliament questions, a new software *i.e.* 'Parliament Question Answer Publishing System' (E-reply) was developed. This facilitates uploading of answers to questions by the concerned Ministries/Departments immediately after the Question Hour is over or answers are treated to have been laid on the Table of the House. The new software has been made operational from the 224<sup>th</sup> Session and the performance has been satisfactory. Ministries/Departments are regularly uploading Hindi and English versions of replies along with Annexures on Rajya Sabha website through this software. The uploading of replies of short notice questions on the software has been successfully operationalised w.e.f. the 226<sup>th</sup> Session.

### **Link-up between answers to questions and supplementaries**

Another software had also been developed for creating a link between those starred questions that have been orally answered and the supplementaries asked thereon so that complete answers to the starred questions along with supplementaries are made available.

If supplementaries have been asked on a starred question, then a 'Supplementary Question' link appears at the end of the question. By clicking on this link a page with the heading 'Supplementary Question Details' opens up. By clicking on the member's name against the participants' option, supplementary page opens up.

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19. Bn. (I), 18.12.2001 and 19.12.2001.
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32. *Ibid.*, 10.3.2011.
33. *Ibid.*, 2.12.2011 and 21.12.2011.
34. *Ibid.*, 27.8.2013 and 6.9.2013.
35. C.S. Deb., 23.4.1953, c. 3908; 28.8.1953, c. 533; R.S. Deb., 13.8.1957, c. 355; 14.8.1962, c. 1609; 23.3.1966, c. 4182; 30.3.1977, c. 54-55; Bn (II), 13.6.1977, 29.4.1992, 27.7.1992, 26.4.1993 and 18.5.1994.
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38. *Ibid.*, 18.1.2014.
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52. *Ibid.*, 17.12.2009, pp. 1-2.
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80. *Ibid.*, 14.3.1995, c. 2-35.
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123. *Ibid.*, 27.8.1974, c. 34.
124. *Ibid.*, 27.4.1982, c. 3-5.
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126. *Ibid.*, 28.2.1956, 25.2.1958, 8.3.1961, 2.3.1963, 26.11.1963, 25.9.1964, 17.11.1964, 6.5.1969, 9.5.1972, 3.3.1974, 27.6.1980, 18.8.1981, 14.3.1985, 22.8.1985, 4.3.1986, 18.7.1986, 12.8.1986 and 14.3.1990.
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133. *Ibid.*, 11.3.1991, c. 39.
134. Bn. (II), 8.8.1995.
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137. *Ibid.*, 15.3.1989, c.1-30; 24.4.1989, c. 3-51; and 30.4.1990, c. 3-7.
138. *Ibid.*, 1.9.1981, c. 1-59 and 8.7.1992, c. 3-51.
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181. R. 42.
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187. SQ Lists, 12.7.1991 and 10.7.1996.
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189. R. 43(2).
190. 7 Rpt., COR.
191. R.S. Deb., 30.5.1995, c. 356-59.
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193. *Ibid.*, 27.11.2014.
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196. *Ibid.*, 10.3.1993.
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199. *Ibid.*, 21.11.2008.
200. *Ibid.*, 18.11.2010.
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202. R. 47(1).
203. R. 47(2)(i), as amended on 30.5.1995.
204. 7 Rpt., COR and Bn. (II), 12.6.1995.
205. R. 47(2)(iv).
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207. R. 47(2)(ii).
208. R. 47(2)(iii).
209. R. 47(2)(v).
210. R. 47(2)(vi).
211. R. 47(2)(vii), as amended on 30.5.1995.
212. 7 Rpt., COR; Bn. (I), 30.5.1995; and Bn. (II), 12.6.1995.
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215. R. 47(2)(x).

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  222. *Ibid.*, 15.11.1966, c. 1132-46.
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  251. R. 47(2)(xx).
  252. R. 47(2)(xxi).
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  255. R.S. Deb., 6.5.1959, c. 1898-99.
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  259. R.S. Deb., 13.8.1985, c. 16.
  260. R. 57.
  261. R. 49(1).
  262. R. 49(2).
  263. R. 50.
  264. R.S. Deb., 14.11.1986, c. 12.
  265. R. 50, *Proviso*.
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  268. R. 51.
  269. Bn. (II), 27.11.2014, R. 51(A).
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  271. Bn. (II), 14.5.1974.

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294. R. 52.  
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330. *Ibid.*, 12.11.1973, c. 26-27.  
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334. R. 58(5).  
335. R.S. Deb., 18.12.1981, c. 21-27.  
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488. R.S. Deb., 24.12.1954, c. 3279; 8.8.1977, c.1.  
489. *Ibid.*, 2.9.1957, c. 2705; 26.11.1957, c. 880-82.  
490. *Ibid.*, 26.12.1978, c. 1-3.  
491. *Ibid.*, 25.8.2000, p. 23; Bn. (I), 24.8.2000.  
492. *Ibid.*, 15.3.2001, pp. 191-92.  
493. R.S. LoB, 16.8.2010.  
494. *Ibid.*, 17.8.2010.  
495. R. 54(3) and R. 58(6).  
496. R.S. Deb., 30.4.1968, c. 304; 31.8.1968, c. 5602.  
497. R. 60(1).  
498. R. 60(2).  
499. *Ibid.*, 3<sup>rd</sup> *Proviso*.  
500. *Ibid.*, 1<sup>st</sup> *Proviso*.  
501. *Ibid.*, 2<sup>nd</sup> *Proviso*.  
502. R. 60(4), R.S. Deb., 8.5.1981, c. 359 and 386.  
503. R. 60(1).  
504. R.S. Deb., 8.5.1981, c. 386-438.  
505. *Ibid.*, 8.8.1986, c. 278-322; 2.12.1987, c. 362-418.  
506. *Ibid.*, 7.12.1987, c. 405-84.  
507. *Ibid.*, 29.12.1989, c. 535, etc.  
508. R. 60(5).  
509. C.S. Deb., 16.9.1953, c. 2577-81.  
510. R.S. Deb., 28.11.1986, c. 329.  
511. *Ibid.*, 15.7.1998, c. 360; Bn. (I), 15.7.1998.  
512. R.S. Deb., 12.08.2011, pp. 8-16.  
513. R. 60(5), *Proviso*.  
514. R.S. Deb., 30.3.1992, c. 272; 3.4.1992, c. 234.  
515. *Ibid.*, 25.08.2011, pp. 353-364.