

## PREFACE

A bold and pioneering initiative was taken in 1996 to bring out the first edition of the publication titled 'Rajya Sabha at Work'. It elaborately and comprehensively documented the procedures and practices relating to the functioning of the Rajya Sabha since its first sitting on 13 May 1952 and encapsulated in its scope the evolution of the Rajya Sabha and its functioning over the years, the changes made in its rules of procedures and practices and other developments concerning the conduct of its proceedings. We are indebted to late Smt. V.S. Rama Devi, former Secretary-General, Rajya Sabha and Shri B.G. Gujar, former Director, Rajya Sabha Secretariat for painstakingly compiling and bringing out this noteworthy publication.

The second edition of the book published in 2006 updated and revised it by incorporating the changes that took place since its first edition. A number of developments including substantive changes in practices and procedures of the House, new rulings from the Chair, etc. have taken place since the second edition was brought out a decade ago and therefore, a need was felt to have an updated and revised edition of the book. This revised edition is intended to fulfil this need.

The Constitution in Article 87 deals with the Address by the President to both Houses of Parliament assembled together at the commencement of the first session after each general election to the Lok Sabha and at the commencement of the first session of each year. Such Address of the President reflects the policies and programmes of the Government. Rules 14 to 19 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), *inter alia*, deal with the President's Address, scope of discussion on the Motion of Thanks on the President's Address and the amendments moved to such a motion. After the Address by the President, it is discussed in both the Houses of Parliament and the Prime Minister or any other Minister of the Government explains the position of the Government at the end of the discussion. Adoption of amendment to the Motion of Thanks on the President's Address by the House, though not a usual happening, in the years 1980, 1989, 2001 and 2015 the Motion of Thanks on the President's Address was adopted with amendments in the Rajya Sabha.

Rules and procedures of the House are intended to ensure orderly conduct of business of the House and optimal utilisation of time available at its disposal. The Presiding Officer faces a daunting task in making members scrupulously adhere to the rules of procedure and set high standards through their work and conduct. There have been increasing instances, in the recent past, of disruptions of the proceedings of the House. During 2013 and 2014 Sessions, there were continuous disruptions of the proceedings of the House, resulting in repeated adjournments and loss of its valuable time. This impacted legislative and other business. Concerns have been expressed both inside and outside the Parliament on frequent disruptions of the proceedings of the House, declining number of its sittings and perceived deterioration in the standards of debates. The Chairman, Rajya Sabha has, from time to time, also expressed concern on the issue. On 7 February 2014, the Chairman observed that the names of members who indulged in gross disorderly conduct in violation of rules and etiquette of the Rajya Sabha by entering into the Well of the House and persistently and wilfully obstructed its proceedings should be published in Parliamentary Bulletin Part-I. Yet on another occasion, the Chair viewed seriously the conduct of a member who persistently disrupted the proceedings of the House by entering into the Well of the House and shouting slogans and observed that his conduct might amount to breach of privilege of the House. The member subsequently had to tender a written apology for his conduct. These instances, among others, find mention in Chapter 9 of the book dealing with 'Rules of Conduct and Parliamentary Etiquette'.

In a parliamentary form of Government, Parliament holds the Government to account for its acts of omission and commission. Questions raised by members are one of the oldest and most potent devices for this purpose. A fixed time is set apart for parliamentary questions in the business of the legislature in many countries. Rule 38 of the Rules of Procedure and Conduct of Business in the Rajya Sabha states that unless the Chairman of Rajya Sabha directs, the first hour of every sitting shall be available for the asking and answering of questions. In the wake of frequent disruptions, the Chairman has taken several initiatives to maintain the sanctity and efficacy of the Question Hour. During 2014, a proposal was placed before the General Purposes Committee (GPC) to shift the Question Hour from 11.00 a.m. to 12.00 noon, to which it agreed. The

proposal subsequently was also agreed to by the Rules Committee and it recommended in its Thirteenth Report: (i) amendment to rule 38 of the Rules of Procedures and Conduct of Business in the Council of States regarding change in the timings of the Question Hour; (ii) amendment in rule 51A regarding reduction in the limit of number of questions for oral answers to 15 from 20; and (iii) consequential amendment to rule 180(5) to shift the time of taking up Calling Attention to 5.00 p.m. The Report of the Committee on Rules was presented to the House on 25 November 2014. The House adopted the amendments to rules 38 and 51A as recommended by the Rules Committee. The House, however, decided that the Calling Attention shall be taken at 2.00 p.m. instead of 5.00 p.m. As a result, the first item of business to be taken at 11.00 a.m. now is the laying of papers and other business of formal nature followed by matters of recent and urgent public importance raised with the permission of the Chair (Zero Hour Submissions) subject to a maximum of 15 such matters and if the time permits, the Special Mention (for raising matters of public importance) are taken up till 12.00 noon. The time of taking up 'the Calling Attention' has been changed to 2.00 p.m. The Chapters on 'Questions', 'Zero Hour Submissions', 'Calling Attention' and 'Arrangement of Business' highlight these significant changes.

Earlier, if the member in whose name the question was admitted was absent on the day of its answer or did not put it when asked by the Chair to do so, the question remained unanswered on the floor of the House, thus making the executive free from any legislative scrutiny on the subject matter of the question. On the initiative of the Chairman, the relevant rule was amended to provide that if on a question being called, it is not put or the member in whose name it stands is absent, the Chair shall direct that the answer to it be given. The rules relating to the question were also amended to provide that in case more than one question of any member has been admitted for oral answer on the same day, the questions in excess of one shall be placed in the lists of questions for written answers. Further, the total number of questions to be included in the lists of questions for oral and written answer for any one day has been limited to 175 (15 questions for oral answers and 160 questions for written answers). This limit is inclusive of questions postponed from one list of questions to another for written answers and 15 questions pertaining to the States under the President's Rule. Advances in information technology have been

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utilised to cut delays and promptly making replies of Parliament questions available to the members by making use of e-mail facility. A new software, *i.e.* 'Parliament Question Answer Publishing System' (E-reply) has been developed which facilitates uploading of answers to questions by the concerned Ministries/Departments immediately after the Question Hour is over or questions having been treated as laid on the Table of the House. All these major developments together with the new rulings from the Chair clarifying the relevant rules have been incorporated in Chapter 17 which deals with 'Questions'.

In the history of Indian Parliament, only 14 Private Members' Bills have been passed by both Houses and enacted as laws. The last such Bill, the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill was enacted in 1970. The Rights of Transgender Persons Bill, 2014 was introduced in the Rajya Sabha as a Private Member's Bill on 12 December 2014 and was passed by it on 24 April 2015. The Bill as passed by the Rajya Sabha was laid on the Table of the Lok Sabha on 29 April 2015 and is pending for consideration of that House.

In December 2011, a new Committee, namely, the Committee on Welfare of Other Backward Classes (OBCs) consisting of thirty members, twenty from Lok Sabha and ten from Rajya Sabha was constituted to consider reports of the National Commission for Backward Classes and to report to both the Houses as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government. Besides, a Committee on Food Management in Parliament House Complex was constituted. A Joint Parliamentary Committee on Maintenance of Heritage Character and Development of Parliament House Complex was also constituted to formulate policies, guidelines and programmes on conservation, restoration, rehabilitation and maintenance works in Parliament House Complex.

Constitution of a Select Committee or Joint Committee on Bills is also prevalent for undertaking deeper scrutiny of the Bills and ensuring greater stakeholders' participation in the legislative process. In recent years, there has been a surge in the constitution of Select Committees which function under the directions and control of the Chairman. These Committees included Select Committee on the Lokpal and Lokayuktas Bill, 2011, Select

Committee on the Repealing and Amending Bill, 2014, Select Committee on the Payment and Settlement Systems (Amendment) Bill, 2014, Select Committee on the Constitution (One Hundred and Twenty Second Amendment) Bill, 2014, Select Committee on the Real Estate (Regulation and Development) Bill, 2013, etc. All such new developments are enumerated in Chapter 25 titled 'Committees'. Besides, the Chapter deals with the direction issued by Chairman, Rajya Sabha on 1 July 2011 wherein it was provided that the Committee on Petitions shall take up consideration of representations, letters and telegrams from various individuals, associations, etc., which are not covered under the Rules. Letters which are either anonymous or do not contain any specific request are not considered by the Committee.

The Fourth Schedule to the Constitution provides for allocation of seats in the Rajya Sabha to various States and Union Territories. In June 2014, a new State of Telangana was created by carving out of the State of Andhra Pradesh on the enactment of the Andhra Pradesh Reorganisation Act, 2014. Rajya Sabha has now representatives from twenty nine States and two Union Territories of Delhi and Puducherry. Besides, names of two States, namely, Uttaranchal and Orissa were also altered as 'Uttarakhand' and 'Odisha' as a result of the Uttaranchal (Alteration of Name) Act, 2006 and the Orissa (Alteration of Name) Act, 2011, respectively. These developments have been incorporated in Chapter 2 dealing with 'Composition of Rajya Sabha'.

Article 102 of the Constitution provides for the disqualifications for membership of either House of Parliament. According to Article 102(1)(e), a person shall be disqualified for being chosen as, and for being, a member of either House of Parliament if he is so disqualified by or under any law made by Parliament. The Parliament has enacted the Representation of the People Act, 1951, which, *inter alia*, provides for disqualification of membership of Parliament and State Legislatures on conviction for certain offences. The Supreme Court in its judgement dated 10 July 2013 in Writ Petition (C) 490 of 2005 and 231 of 2005 declared Section 8(4) of the Representation of the People Act, 1951 as *ultra vires* of the Constitution. As a result of the above judgement by the Apex Court, two members of Rajya Sabha were disqualified from its membership in September 2013 and April 2014. Chapter 3 which deals with 'Membership of Rajya Sabha' incorporates these developments.

The Secretariat of Rajya Sabha was set up pursuant to the provisions contained in Article 98 of the Constitution and functions under the overall guidance and control of the Chairman, Rajya Sabha. A Recruitment Cell for undertaking recruitment to various posts in the Rajya Sabha Secretariat was created in October 2008. Prior to this, the recruitment to different services of both the Secretariats of the Rajya Sabha and the Lok Sabha was conducted by the Joint Recruitment Cell. This has been incorporated in Chapter 27 which deals with 'Servicing Rajya Sabha'.

As a Parliamentary outreach initiative, the Rajya Sabha Television has been set up. The Channel started its transmission on 26 August 2011 and became a full-fledged 24x7 channel on 18 December 2011. Apart from telecasting live coverage of the proceedings of Rajya Sabha during session, the RSTV presents incisive analysis of the proceedings of the House and other parliamentary events and developments. Simultaneous webcast of the channel is also available on the homepage of Rajya Sabha as well as You Tube. A Digitization and Hindi Web Updation Cell was created in Rajya Sabha Secretariat in 2009 with the mandate to digitize the edited debates of Rajya Sabha and to upload the digitized debates on the Debates Portal of Rajya Sabha and also keep the Hindi website of Rajya Sabha updated. These initiatives have also been included in Chapter 27 which deals with 'Servicing Rajya Sabha'.

I take this opportunity to place on record my deep sense of gratitude to the Hon'ble Vice-President of India and Chairman, Rajya Sabha, Shri M. Hamid Ansari for his inspiring foreword. I am also grateful to the Hon'ble Deputy Chairman, Rajya Sabha, Prof. P.J. Kurien for writing a very valuable introduction for the book.

A monumental work of this nature has taken considerable time to update. In this effort, all officers and sections of the Rajya Sabha Secretariat have contributed. I place on record my appreciation to all of them, particularly the branches like Legislative, Table, Bill, Committee, Questions, Printing and Publications and the LARRDIS. I would also like to thank the Editorial and Translation Service for undertaking the task of translating in Hindi this voluminous publication. The Jainco Art India, New Delhi has taken particular care to elegantly print this publication.

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I hope that this revised edition of the 'Rajya Sabha at Work' would be a useful reference book to Presiding Officers, Legislators, parliamentary officials, researchers, scholars and all others interested in the working of the Indian parliamentary system.



NEW DELHI  
31 October, 2016

(SHUMSHER K. SHERIFF)  
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