

## QUESTIONS

### **584. Questions: Members cannot question the right of the Chairman to allow or to disallow a question**

On 19 February 1964, the Minister of Planning, Shri B. R. Bhagat, was reading out his written reply to starred question no. 153 about the amount collected by the Punjab Chief Minister for election purposes. Shri Awadheshwar Prasad Sinha rising on a point of order, said that many people and parties collected money for election purposes but such questions never came before the Council. He asked the Deputy Chairman under what rule she had allowed that particular question.

The Deputy Chairman said:

The question has been allowed. I do not think any member in this House can question the admissibility or inadmissibility. That is left to the Chair.

(R.S. deb. dt. 19.2.1964, Cols. 1138-39)

### **585. Questions: When a question is addressed to a wrong Ministry, the Ministry to which the question has been addressed, is responsible for transferring it to the correct Ministry. In case a question concerns more than one Ministry, the Minister answering the question must take responsibility on behalf of the whole Government, or both the Ministers concerned may be present to answer it**

On 16 February 1968 while answering supplementaries to starred question no. 97 on the question of review of the fertiliser policy of the Government of India, the Minister of Food, Agriculture, Community Development and Co-operation, Shri Jagjivan Ram, said that questions on the manufacture of fertilisers and the policy thereon should have been addressed to the Minister in-charge of the manufacture of fertilisers, viz., the Minister for Petroleum and Chemicals. At this, the point was raised as to why then that question was admitted against the Minister of Food and Agriculture instead of against the Minister of Petroleum and Chemicals. The Chairman said that the Rajya Sabha Secretariat could not be held responsible for it and that it was the duty

of the Ministry of Food and Agriculture to tell the other Ministry to answer it. Shri Jagjivan Ram submitted that he could not accept that position and that the Rajya Sabha Secretariat was supposed to look into the matter as to whether the question had been sent to the proper Ministry or not. The Chairman, while stating that this was not the established practice, agreed to go into the question further.

On 19 February 1968, the Chairman gave the following ruling:

During the question hour on Friday last, a question was raised in the House why starred question no. 97 on the review of fertiliser policy was admitted against the Minister of Food, Agriculture, Community Development and Co-operation when the members who tabled the question had asked for information regarding the production policy of fertilisers, which subject was within the special cognizance of the Minister of Petroleum and Chemicals. As promised by me in the House, I have since looked into the matter. Two notices of questions on the subject were received and both were addressed by the members concerned to the Minister of Food, Agriculture, Community Development and Co-operation. The questions were examined in the Rajya Sabha Secretariat with a view to deciding their admissibility and were admitted for answer as one question (starred question no. 97) for answer by the Minister of Food, Agriculture, Community Development and Co-operation, to whom they were both addressed. After the list was printed a communication was received from the Ministry of Food, Agriculture, Community Development and Co-operation pointing out that part (c) of the question pertained to the Ministry of Petroleum and Chemicals; they did not object to parts (a) and (b) being put down for answer by their Minister. The Ministry of Food, Agriculture, Community Development and Co-operation, it appears, did not request the Ministry of Petroleum and Chemicals to accept the transfer of the question. At any rate, the Rajya Sabha Secretariat did not receive any communication from the Ministry of Petroleum and Chemicals that they were accepting the transfer of the question. In these circumstances, the question came up for answer in the House by the Minister of Food, Agriculture, Community Development and Co-operation, to whom the questions were addressed by the members. Some hon'ble members seemed to suggest that my Secretariat could have transferred the question to the Minister of Petroleum and Chemicals, who was the

appropriate Minister to answer the question. I do not think that the Secretariat could have done so on their own initiative. 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, the 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 UK is also the same. I quote from "Questions in Parliament" by Chester and Bowring at p. 234 in which the authors say as follows:

From time to time questions are addressed to the wrong Minister, *i.e.*, the subject-matter is the responsibility of some other Minister. The Department to whose Minister the question is addressed is responsible for transferring it to the correct Minister, having first obtained the agreement of that Department. The transfer is then made by the Table Office at the request of the Department.

In the House of Commons, members have from time to time complained to the Speaker about the transfer of their questions

from one Minister to another. On every occasion, the Speaker has held that the question of transfer of a question from Minister to Minister is a matter for Ministers and not for the Speaker. In the case of such transfer, the Speaker has refused to accept any responsibility. The Speaker of the House of Commons once said that the principle underlying the practice in this behalf is that the Ministers are jointly responsible to the House and as regards determining who should answer any particular question, it is a matter of internal arrangement between Ministers. The Chair cannot, therefore, take any responsibility in the matter. The Speakers of the House of Commons have also discouraged any discussion in the House about the transfer of an individual question from one Minister to another as they have felt that the House, hard-pressed as it is for time during question hour, should not let it be consumed by discussion on purely procedural points like the transfer of an individual question from one Minister to another.

I have taken the opportunity of stating briefly the practice of the Indian Parliament and the British House of Commons relating to the transfer of questions from one Minister to another so that the members may not have any misgivings on this point.

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.

Shri Harish Chandra Mathur submitted that the implication of the ruling from the Chair was that when a question was admitted, the Minister concerned must come fully prepared to answer the question. There might be certain questions which concerned more than one Ministry and they could not be addressed separately to two Ministers.

The question might be addressed to one of the Ministers who was more concerned with the question than the other, in which case the Rajya Sabha Secretariat should inform both the Ministers so that both of them could be present to answer that. In this connection he

referred to a question relating to unemployed engineers, which concerned general administration, which he had addressed to the Prime Minister but which was transferred to the Minister of Education who was concerned only with the education part of the question. He also asked what would be the position if there was a conflict and one Minister tried to pass on the question to some other Minister.

The Chairman observed:

The person to whom the question is put must take the fullest responsibility on behalf of the whole Government. It is a question of joint responsibility. That is the whole position... It is joint responsibility of the whole Government. They have to take the responsibility to answer it or both the Ministers may be present to answer the question.

Regarding the point about what type questions should be addressed to the Prime Minister, Shri M. N. Kaul referred to the practice in the House of Commons under which the Prime Minister remained present in the House during a specified time so that he could answer questions specifically addressed to him and which related to a number of departments in regard to which the House would like to know the settled and definite policy of the Government. Regarding the type of questions which should be addressed to the Prime Minister, he suggested consultations with the Leader of the House and important party leaders so that a clear picture would emerge from those discussions.

The Chairman further observed:

One thing is certain which I should like to mention. It is the joint responsibility of the Government to be ready to answer a question that is before the House. It is for them to consider it. I feel that both the Ministers involved in that question may be present and give answers, if necessary, or the question that is put to a particular Minister, that Minister should be in a position to answer it on behalf of the whole Government, so far as that matter is concerned. If that is understood, I do not mind discussing the other matters as suggested here.

- 586. Questions: If a member does not put a question listed in his name, it is treated as withdrawn but the Chairman, at the request of any other member, may direct that the answer to it be given**

On 28 August 1968, the Chairman observed:

Starred question no. 671 tabled by Shri M. P. Bhargava stood in the list of questions for oral answers yesterday (August 27, 1968). When I called the questioner, Shri Bhargava stated that he did not want to put the question. At that stage, Shri Rajnarain submitted that if a member was present in the House and did not put his question, then other members who desired to put supplementaries thereon would be deprived of their opportunities and he requested me to give a ruling in the matter. I promised to consider it and give my ruling.

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 to which Shri Rajnarain drew my attention after the question hour. 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 a 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.

(R.S. deb. dt. 27.8.1968, Cols. 4638-39; 28.8.1968, Cols. 4965-66)

- 587. Questions: Member who puts the questions has the first right to raise objection**

On 23 November 1970, the Deputy Minister in the Ministry of Industrial Development and Internal Trade was answering supplementaries to the question on the licensed production capacity in

the tyre and tube industry. Some members felt that the reply of the Deputy Minister did not cover the particular question. Shri N. K. Shejwalkar desired to know whether or not any member of the House had a right to object to a reply given by a Minister, if the reply was wrong or irrelevant. His contention was that every member had the right to raise an objection.

The Chairman ruled:

Where any objection is to be made to an answer given by a Minister, the first member who has got a right to make an objection is the member who had put the question.

(R.S. deb. dt. 23.11.1970, Cols. 13-18)

**588. Questions: Party manifesto as such not to form part of answer to question**

On 22 March 1972, while rising on a point of order regarding starred question no. 185, Shri Lal K. Advani objected that in the reply to the question by the Government, the ruling party's election manifesto had been mentioned and opined that such a reference to the ruling party in any form or manner should not have been made. He sought a ruling from the Chair.

On this, the Chairman ruled:

I think the substance might have been given by the hon'ble Minister. The manifestoes are not generally mentioned in answer to questions... The policy has to be given. The substance of the manifesto might form part of the policy which may be mentioned by the Minister and if reference has to be made to the manifesto, it would not be improper. But the manifesto itself has not to be put.

(R.S. deb. dt. 22.3.1972, Cols. 16-19)

**589. Questions: When a question is put in English, the reply can be given in Hindi**

During oral answers to questions, the Deputy Minister in the Ministry of Steel and Mines, Shri Sukhdev Prasad, replied in Hindi to a

question put by Dr. K. Mathew Kurian in English. Shri G. Lakshmanan, rising on a point of order, said when the question was put in English, the reply must necessarily be in English.

The Chairman said:

No, no. I do not agree. I overrule it.

(R.S. deb. dt. 26.4.1974, Cols. 12-13)

**590. Questions: Questions should be answered either in English or Hindi**

On 3 August 1977, when Shri Rajnarain replied in Tamil to starred question no. 363, Shri Bhupesh Gupta raised an objection to it saying that the Minister should give an answer intelligible to the person who had put the question and that it might be either in English or in Hindi.

Then, the Chairman observed as follows:

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.

(R.S. deb. dt. 3.8.1977, Cols. 17-21)

**591. Questions: Ministers can answer questions either in English or in Hindi**

On 28 March 1985, in reply to the starred question no. 225, the Minister of State in the Ministry of Tourism and Civil Aviation, Shri Ashok Gehlot, spoke in Hindi. Some members objected to this, saying that the answer to a question should be given in the same language in which the question was put.

The Chairman observed:

I only say this that whenever a member speaks in a language which the other does not understand, we have provided the facility of translation and, therefore, you have just to put on your earphone and hear it. You should not insist on anybody answering in any particular language.

The Chairman further observed:

Parliament is a place for debate and people must understand each other. This is the basic principle and for that the facility has

been provided. You cannot insist that any member or any Minister should speak only in one language. He can speak in any of the two languages.

(R.S. deb. dt. 28.3.1985, Cols. 26-28)

**592. Questions: Government has to decide which Ministry will answer a particular question**

On 20 June 1977, during the question hour the Minister of Law, Justice and Company Affairs was answering starred question no.156 regarding the sole selling agency for Travancore Chemical and Manufacturing Co. Ltd., Alwaye. During the course of supplementaries, Shri Nripati Ranjan Choudhury desired to know why the question was transferred to the Law Ministry when it had originally been addressed to the Minister of Petroleum, Chemicals and Fertilisers.

On this point, the Deputy Chairman observed:

It lies with the Government to decide which Ministry will answer a particular question. Since the question relates to two Ministries, I hope the Minister of Petroleum, Chemicals and Fertilisers who is also here would take note of it and say what he has to say about it.

(R.S. deb. dt. 20.6.1977, Cols. 28-29)

**593. Questions: Only when no Minister of a particular Ministry is present, some other Minister could give reply to a question**

On 18 December 1981, while the question no. 381 was answered by the Deputy Minister in the Ministry of Works and Housing, Shri Mohammed Usman Arif, further supplementary questions in relation thereto were being answered by the Minister of State in the Ministry of Defence, Shri Shivraj V. Patil about which the concerned Minister had made a request to the Chair, which was objected to by some members. Their contention was that it was against parliamentary practice and propriety, and was a contravention of the convention of this House. It was also a reflection on the competence of the Deputy Minister concerned who was present. Had the concerned Ministers not been present, that would have been a different matter, they said. But, the Minister of State in the Ministry of Defence sought to defend the position

by saying that it was a question of joint responsibility of the Government, under which any Minister acting on behalf of the Government could reply to a question; moreover, such a thing was not unprecedented; and also in the present case a specific request had been made to the Chair. This stand was also supported by Shri Buta Singh, another Minister present in the House.

After listening to the arguments from both sides of the House, the Chairman observed:

The first point is...it has been the practice during my little experience 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... That position can be well understood, that if there is no other Minister in the Ministry, somebody else may be asked and informed and helped to answer the question for the satisfaction of the House. That position has been understood and has been followed not only now but in the past also. 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 does not 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. It seems rather odd that when there is a Minister already present from that Ministry the information which could have been passed on to the Minister of Defence could not be passed on to the other Minister. Therefore, this kind of bland request...does not really satisfy the requirements of rule 40(a). The Minister, if I may say so with all respect, should have instructed Mr. Arif, who is a Minister with him in the same Ministry, to reply to these questions. And particularly, when Mr. Arif is here, it becomes rather odd that another Minister should answer...Joint responsibility cannot be carried that far. Therefore, my ruling is that now that Mr. Shivraj Patil is prepared, he may, with the permission of the House, be allowed to answer today, but in future if another Minister is available in the Ministry and is present in the House, he should answer and nobody else.

**594. Questions: When a question is listed against a Ministry, the concerned Minister has to reply**

On 29 July 1997, Shri K. R. Malkani's question regarding the adverse comment on India by the Disputes Settlement Panel of the World Trade Organisation on the subject of Patent Law was listed against the Ministry of Commerce. The Minister of State of the Ministry of Commerce, Shri Bolla Buli Ramaiah, tried to answer the question though maintaining all the while that the patents issue fell within the purview of the Ministry of Industry and was not under his charge.

As the reply was found to be unsatisfactory the Deputy Chairman directed thus:

When it is listed against your Ministry, you have to answer. This is my direction.

(R.S. deb. dt. 29.7.1997, Cols. 20-24)

**595. Questions: Ministers have to answer the questions put to them and not the questions that are put by way of interjections by other members**

On 11 March 1980, during the question hour, when the Minister for Commerce and Civil Supplies, Shri Pranab Mukherjee was replying to a question put to him by Dr. Bhai Mahavir, Shri Arvind Ganesh Kulkarni put another question by way of interjection.

The Chairman remarked:

Mr. Minister, you answer the question which has been put to you, and do not answer the questions which may be put in as interjections.

(R.S. deb. dt. 11.3.1980, Cols. 13-15)

**596. Questions: Ministers can answer a question in the House as they think best**

On 18 December 1980, Prof. Ramlal Parikh complained that his specific question had not been answered properly. The Minister of State in the Ministry of Industry, Shri Charanjit Chanana, said that if the Chairman allowed him, he would read out the specific section relating to the member's supplementary.

The Chairman then observed:

You are within your rights to answer the question as you think best.

(R.S. deb. dt. 18.12.1980, Cols. 1-5)

**597. Questions: A Minister may refuse to answer a question, if members don't hear him**

The Deputy Minister in the Ministry of Finance, Shri Janardhana Poojary, was replying to starred question no. 104 regarding nominations to Boards of Directors of the RBI and IDBI which was asked by Shri Kalyan Roy.

Due to interruptions by members, the disturbances became too loud. Shri Pranab Kumar Mukherjee said, "If the disturbances go on like this, I am sorry to say that we will refuse to answer the question."

The member asked the Chair, to give his ruling on the statement of Shri Mukherjee that a Minister can refuse to answer a question.

The Chairman ruled:

Surely, a Minister can say, "if you don't want to hear me, I will not answer the question."

(R.S. deb. dt. 3.5.1983, Cols. 14-15)

**598. Questions: Statement correcting answer is to be read and not laid on the Table**

On 26 February 1981, the Deputy Minister in the Ministry of Works and Housing, Shri Mohammed Usman Arif, sought to lay on the Table of the House a statement correcting the reply given earlier to an unstarred question. Shri Era Sezhiyan pointed out that the statement could not be laid and that it should be read.

Thereupon, the Chairman observed:

I am informed that it cannot be taken as read...it may be read. Even if it is 20 pages, it will have to be read.

(R.S. deb. dt. 26.2.1981, Col. 175)

**599. Questions: Questions on suppositions are not allowed**

On 28 February 1984, during the question hour, Shri A. G. Kulkarni 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. Shri Khandelwal, 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 question, observed:

Mr. Khandelwal, 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.

(R.S. deb. dt. 28.2.1984, Cols. 10-12)

**600. Questions: Minister can place lengthy answers to starred questions as statements on the Table of the House**

On 10 May 1985, the Minister of State in the Ministry of Agriculture and Rural Development, Shri Chandulal Chandrakar, gave a detailed reply to the starred question no. 166, on fall in food production raised by Shrimati Maimoona Sultan and Shri Bhagat Ram Manhar during the question hour. Shri Jaswant Singh suggested that the Minister could lay the reply on the Table of the House.

The Chairman said:

That is right. I have noted. The Minister will hereafter place the lengthy answer as statement on the Table of the House. Your Department must take notice.

(R.S. deb. dt. 10.5.1985, Col. 13)

**601. Questions: Minister can place lengthy answers to starred questions as statements on the Table of the House**

On 16 May 1985, Shri Ashok Gehlot, the Minister of State in the Ministry of Tourism and Civil Aviation, was reading out a long reply to

the starred question no. 244 regarding payment of additional commission without approval, asked by Shri Ashwani Kumar. Shri Suresh Kalmadi pointed out that during the question hour such lengthy replies should be placed on the Table of the House.

The Chairman observed:

Mr. Gehlot, it is the rule in this House as well as in every Parliament that if the answers are long, it should be placed as a statement on the Table of the House so that the members can read the same before they come. Please follow this rule very carefully hereafter. I know it is not your mistake, but your department's. They should have placed this as a statement on the Table of the House. Please see to it that this is observed in future.

(R.S. deb. dt. 16.5.1985, Col. 7)

## **602. Questions: Chairman has the right to transfer questions**

On 15 May 1990, right at the beginning of the question hour, Shri Pramod Mahajan raised a matter regarding the transfer of his question listed for that day. He said that he had addressed a question on nuclear bomb to the Prime Minister, but according to the information received that day from the Rajya Sabha Secretariat, the question had been transferred to the External Affairs Ministry. As he questioned the propriety of such a transfer, he was supported by many members. While Shri A. G. Kulkarni sought the direction from the Chair stating that it was an infringement of the right of the member, Shri Suresh Kalmadi and Shri N. K. P. Salve argued that the nuclear option and production of atom bomb were directly under the Prime Minister. Hence, it should not have been transferred.

At this point, the Chairman observed:

...the Minister for External Affairs has accepted it. And ultimately I have agreed because the question is about nuclear option which, as you know, has foreign affairs overtones and undertones both, because it is a question of nuclear option.

However, the members were not convinced and argued that while the first part of the question dealt with the nuclear option the second

part dealt with the production of atom bomb and, therefore, the question should not have been transferred from the Prime Minister to the Minister of External Affairs.

Then, the Chairman observed:

Nuclear option means the option to produce nuclear bomb...  
So, it is a question that can be transferred to External Affairs...  
So far as the transfer is concerned, it is the right of the Chair to decide.

(R.S. deb. dt. 15.5.1990, Cols. 1-5)

**603. Questions: Parts of a question raised by a member cannot be deleted**

On 5 August 1993, during the question hour, Shri Viren J. Shah raised a point of order with regard to certain parts of his original question being deleted.

In this connection, the Chairman gave the following ruling:

I think such drastic deletion of the question was incorrect and therefore, I am prepared to direct that this question be answered in full on other day.

(R.S. deb. dt. 5.8.1993, Cols. 2-4)

**604. Questions: Absent member: The discretion of the Chairman to direct a Minister to answer a starred question, which is not put or the member in whose name it is listed is absent, is exercised only in exceptional cases**

On 26 April 1995, during the question hour, there was a controversy in the House as to whether supplementaries to a question could be asked by some other members in the absence of a member in whose name the question was listed. The Chairman, thereupon, reserved his ruling and assured that he would give the ruling after ascertaining the Rules and precedents.

Then, on 28 April 1995, after the question hour, the Chairman gave the following ruling:

Hon'ble members, I have to make an announcement. The starred question no. 321 tabled by Shrimati Veena Verma and

Shri Sushil Kumar Sambhajirao Shinde, members of Rajya Sabha, stood in the list of questions for oral answers on the 26<sup>th</sup> April, 1995. When I called the questioners, they were absent. At that stage, some members submitted that I should request the hon'ble Minister of Home Affairs to reply to the question. Some points were raised for and against, the interpretation of the provisions of rule 54(3) and rule 55, which deal with the question of absent members. I have promised to consider the matter and give my ruling. I have since gone through our Rules and precedents and find that on the 22<sup>nd</sup> July, 1952, which is the earliest precedent on the matter, the member in whose name a question was listed, was not present and another member sought the permission of the then hon'ble Chairman, Dr. S. Radhakrishnan, to put the question on behalf of the member in whose name the question stood in the list of questions for oral answers. This was permitted and supplementary questions were asked and answered.

Again on August 27, 1968, a member said that he did not want to put the question standing in his name. A demand was made by some members that it should be answered. The then Chairman, Shri V. V. Giri, gave a ruling the next day *i.e.*, the 28<sup>th</sup> August, 1968. I quote the ruling:

I would, however, also refer to sub-rule (3) of rule 54, to which Shri Rajnarain drew my attention after the question hour. 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 a 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.

The rules on the subject are clear and are reinforced by precedents in the House. They give discretion to the Chairman, to direct that a 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.

**605. Questions: Prime Minister's Office: In ordinary course, notices of questions given by members should not be sent to the Prime Minister's Office**

On 12 June 1980, Shri Kalyan Roy took serious objection to a copy of a question tabled by him being sent to the Prime Minister's Secretariat and asserted that it eroded the rights of the members and reduced Parliament to be a subservient to the Executive, when the power of the first scrutiny already vested with the Chairman. He was supported by Shri Era Sezhiyan, Shri Lal K. Advani and Shri P. Ramamurti who questioned the action of the Rajya Sabha Secretariat in this respect.

The Vice-Chairman observed as under:

Mr. Ramamurti, I have gone through the rule quoted. I have enquired from the Secretary-General also. I would request all of you, this is a very important question. This will have to be discussed with the Chairman. In the natural course, as per Rules, this should not have gone to the Prime Minister's Office. But, anyway, it has to go to the Chairman to give a ruling on this because a fundamental question has been raised and a ruling is required. In ordinary course, it should not go. But I would place this before the Chairman. This is the ruling.

Subsequently, on 13 June 1980, when Shri Sadashiv Bagaitkar raised the above issue, the Chairman observed:

I think I have told you that I am going to make a statement. I am issuing very clear instructions that questions shall go only to the Ministries concerned and to no other.

(R.S. deb. dt. 12.6.1980, Cols. 111-15; 13.6.1980, Cols. 133-34)

**606. Questions: Question hour: The question hour is meant to put questions but questions may be based on information which has to be alluded to**

During the supplementaries on starred question no. 434, Shri Bhupesh Gupta gave some piece of information to the Minister concerned in order, as he put it, to refresh the Minister's memory. Shri Rajendra Pratap Sinha wanted to know from the Chairman whether

the question hour could be utilized for giving information to the Minister instead of putting questions and eliciting information from him.

The Chairman said:

The question hour is, indeed, meant to elicit information but if members have some information, they cannot put questions unless they give out the information and base their questions on that information. The question hour is meant to put questions but questions may be based on information which has to be alluded to... It is not basically giving information. It is asking a question about some information that a member has.

(R.S. deb. dt. 18.3.1963, Cols. 3098-3104)

**607. Questions: Question hour: During the question hour only questions should be put and members should not make any speech before putting questions**

On 13 February 1968, Shri Harish Chandra Mathur put a starred question relating to the increase in the dearness allowance given to the Government servants and its impact on the Centre and State Budgets since 1957. When the Deputy Minister in the Ministry of Finance, Shri Jagannath Pahadia informed that a statement in this regard had been laid on the Table of the House, Shri Mathur started speaking, elaborating further the point that he had raised in his question and made some more queries.

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.

Later on, seeing that Shri Krishan Kant was inclined to make a speech before he put his question, the Chairman said:

I will not allow any speech to be made during the question hour. I will call the next member if you are making a speech. Put your question straight.

(R.S. deb. dt. 13.2.1968, Cols. 55-58)

**608. Questions: Question hour: During the question hour only questions should be put and members should not make any speech before putting questions**

During the question hour, Shri J. P. Yadav put a long supplementary in which he raised several points.

The Chairman observed:

When a person makes a speech and suggests about ten or twelve points, how can we get on with the question time? The question time becomes a debate. I want the co-operation of everyone to see and try to put questions straight and get answers straight but not put ten questions in one speech and then ask the Minister to reply.

(R.S. deb. dt. 18.3.1969, Cols. 4338-39)

**609. Questions: Question hour: Not to be interrupted to discuss matters not relevant to the question hour**

On 3 May 1974, right at the beginning of the question hour, as soon as the Chairman took his seat, Shri Bhupesh Gupta and Shri Niren Ghosh rose on a point of order saying that they wanted to discuss the situation arising out of Delhi Bandh and the question hour should be dispensed with.

The Chairman observed:

I will not listen to you. During the question hour you cannot raise it. I cannot interrupt the question hour - may be serious or not.

(R.S. deb. dt. 3.5.1974, Cols. 2-3)

**610. Questions: Question hour: Questions of policy cannot be raised during the question hour**

On 29 July 1980, during the course of supplementaries to question no. 81, Shri Yogendra Sharma asked the Minister of Civil Supplies whether the Government would take over the wholesale trade in foodgrains and introduce the public distribution system. The Minister, Shri Vidya Charan Shukla, told the House that a question involving policy matters could

neither be raised nor answered during the question hour. Several members wanted to know under what rule such questions cannot be raised.

Giving a ruling on the question, the Chairman observed:

It is mentioned here: "It shall not raise questions of policy too large to be dealt within the limits of an answer to a question"... I have to rule on it. There cannot be a single policy for all the commodities. Each commodity has its own angle. Rice has its own angle; cotton has its own angle; sugar has its own angle. Therefore, it is too large a question for answer by the Minister.

(R.S. deb. dt. 29.7.1980, Cols. 3-12)

**611. Questions: Question hour: Policy matters not to be discussed during the question hour**

On 26 November 1996, when Shri Anantray Devshanker Dave wanted to ask supplementary on starred question no. 63 relating to decline in purchasing power of the Rupee, the Deputy Chairman observed :

During the question hour, you cannot ask the Minister to respond to you on a policy decision. If it is a question relating to a policy decision, discussion on it cannot be concluded in five-ten minutes or even in half-an-hour. If you want a discussion on it, you may seek the permission of hon'ble Chairman.

(R.S. deb. dt. 26.11.1996, Cols. 22-24)

**612. Questions: Question hour: There cannot be a full-fledged debate or discussion during the question hour**

On 22 December 1992, the Minister of State in the Ministry of Finance was replying to the first supplementary to the starred question asked by Shri V. Narayanasamy. Shri Narayanasamy, not being satisfied with the reply to his first supplementary, kept on trying to elicit more information from the Minister. In the meantime, the Chairman repeatedly asked Shri Narayanasamy to put his second supplementary.

When, at last, Shri Narayanasamy sought the Chairman's protection for his second supplementary, the latter observed:

Question hour cannot be a full-fledged debate or discussion.

(R.S. deb. dt. 22.12.1992, Cols. 21-26)

**613. Questions: Question hour: Specific question should be put during the question hour**

On 12 March 1999, when the Minister of State in the Ministry of Health and Family Welfare, Shri Dalit Ezhilmalai replied to the starred question no. 244 regarding the National Board of Medicinal Plants, Shri Balwant Singh Ramowalia objected, saying that he had put the question to prepare the ground not just to listen 'No, Sir' and 'do not arise', from the Minister.

Thereupon, the Chairman observed:

Question hour is not for preparing a ground. You have to put a specific question. You prepare your ground when you speak on some other issue later, not in the question hour.

(R.S. deb. dt. 12.3.1999, Cols. 22-23)

**614. Questions: Supplementaries: If several members have given notice of the same question, everyone of them cannot insist on his being allowed to put supplementary questions before the Chairman passes on to the next question**

On 25 July 1966, after having allowed many supplementaries on starred question no. 9 regarding the shortage of vanaspati and edible oils, the Chairman directed that the next question be taken up. Shri V. M. Chordia, one of the members who had given notice of that question, submitted that he had also tabled the question and had been trying to catch the Chairman's eye.

The Chairman said:

I wonder if twenty people give the same question, it is anybody's right. If I am satisfied that enough questions had been put, I proceed. That gives no right.

(R.S. deb. dt. 25.7.1966, Cols. 24-28)

**615. Questions: Supplementaries: Preference should be given for asking supplementaries to those members in whose names the question stands**

On 21 March 1969, question no. 608 stood in the names of six members belonging to the same party. Before the supplementaries began, some members stood up.

The Chairman observed:

I have got six names here, and I must go according to some rules. Those who have put the question should be given preference. In fact they are all there from the same party, but unfortunately I cannot make any distinction as to whether it is put by the same party or not. Therefore, I must follow some procedure. You will help me by not getting up till that thing is exhausted.

(R.S. deb. dt. 21.3.1969, Cols. 5130-33)

**616. Questions: Supplementaries: The member who has put the supplementary says that his question has not been fully answered, has the first right to invite the Chair's attention**

On 29 April 1970, Dr. Bhai Mahavir felt dissatisfied with the answer given to his supplementary question by Shri Y. B. Chavan, Home Minister, and was trying to get more information when the Leader of the Opposition, Shri S. N. Mishra, intervened and insisted that his point of order regarding the answer given by the Minister should be heard and disposed of. This was contested by other members.

The Chairman ruled:

Now, I expect that the hon'ble member who has put the supplementary and is not satisfied with the answer and says that his question has not been fully answered, has the right first to invite my attention to the deficiency. And in case some other hon'ble member has got anything to say about that question, then, normally he should do it by way of a supplementary. But if he wants to do it as a point of order, then he should do it after the questioner has exhausted his point.

(R.S. deb. dt. 29.4.1970, Cols. 6-9)

**617. Questions: Supplementaries: To be crisp and to the point without a preamble**

On 9 June 1980, during the question hour, Shri Ibrahim Kalaniya started with a long preface while putting his supplementary. The Chairman repeatedly asked him to confine himself to putting a supplementary question rather than making a speech. But when Shri Kalaniya persisted with his preface, the Chairman ordered that the speech portion of his question shall not be recorded.

After the question hour, Dr. M. M. S. Siddhu pleaded with the Chair to revise the decision since nothing unparliamentary had been said by the member. He made a submission that the members' rights should not be curtailed.

Thereupon, the Chairman observed:

All right, I will make a note of it. But I may also tell the hon'ble member that the question hour is not intended for making long speeches whether as a preamble or as a conclusion or in the middle of the question. The question must be crisp and to the point. If it is not to the point and not crisp, I shall certainly rule out both the question and the preamble...I am very sorry that this has been going on in this House during the last session. But it shall not go on now so long as I am the Chairman.

(R.S. deb. dt. 9.6.1980, Cols. 10-13 and 114-15)

**618. Questions: Supplementaries: To be as brief as possible**

On 17 November 1980, when Rajya Sabha commenced its hundred and sixteenth session, the Chairman, before calling the member to put question, observed as follows:

We shall now proceed to the question hour. 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 some time to come. So please take note. Also do not try to butt into every question. Choose your question because

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\* Now it is 100 words

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. I think with this little understanding, we can now proceed to business.

(R.S. deb. dt. 17.11.1980, Col. 4)

**619. Questions: Supplementaries: Not more than six supplementaries are to be allowed on any question**

As soon as the House assembled on 28 July 1980, the Chairman announced as follows:

Before I call upon the hon'ble members to raise their questions, 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. And so, please take note that after the sixth supplementary is over, I shall not admit any further supplementary.

If there are three on paper and we begin with four supplementaries, I shall see that six in all are raised, unless people do not want to ask a question. But if those on paper take away four, then two extra; if there are three taken away on paper, three extra; if two are taken away on paper, four extra. And also occasionally in my discretion, if the subject is really very important and has not been thrashed out, I will give more.

(R.S. deb. dt. 28.7.1980, Col. 1)

**620. Questions: Supplementaries: Anybody employed in a State-aided Corporation is not a Government employee. Supplementary questions, therefore, are not allowed about them**

On 25 November 1980, while putting his supplementaries on starred question no. 103, whether the Government proposed to take any action against Government officers whose wives and relatives were giving business amounting to lakhs of rupees to the Life Insurance Corporation, Shri Jagdish Prasad Mathur asked whether any action was contemplated to be taken against an individual who was an

employee of the Indian Airlines Corporation, and his wife was working as a Life Insurance agent, as per his information.

In this connection, the Chairman observed:

I am ruling on this that anybody who is employed by Indian Airlines Corporation is not a Government servant. There is a difference between holding an office of profit in a corporation which is a State-aided corporation and the Government servant.

(R.S. deb. dt. 25.11.1980, Cols. 31-34)

**621. Questions: Supplementaries: Supplementary questions, not related to the main question, are not admissible**

On 23 March 1983, after the Minister had replied to the starred question no. 344, raised by Shri Vithalrao Madhavrao Jadhav and Dr. (Shrimati) Najma Heptulla, relating to C.B.I. enquiry into the contract given by the Chairman of the Railway Board, Shri Jadhav put two supplementary questions which related to (i) ticketless travelling and (ii) grant of Rs.10 crore for Marnad-Mukhed railway line.

Disallowing both the supplementaries the Chairman ruled:

I rule out both the supplementaries. They are out of order, not quite connected with this question. There is going to be no reply to that.

(R.S. deb. dt. 23.3.1983, Col. 32)

**622. Questions: Supplementaries: A Minister is not allowed to reply to supplementaries to a supplementary**

On 7 August 1985, during the question hour, starred question no. 224 relating to U.G.C. scheme for students of minority communities was put by Shri Parvathaneni Upendra. Some members asked supplementaries not related directly to the main question.

On interruptions thereon, the Chairman ruled:

The Minister is not allowed to reply to supplementaries to supplementaries.

(R.S. deb. dt. 7.8.1985, Col. 22)

**623. Questions: Supplementaries: Even some portions of Minister's answer to a supplementary question may go unrecorded**

On 9 December 1985, during the question hour, a sentence spoken by the Minister of State in the Ministry of Law and Justice, Shri H. R. Bhardwaj, in answer to a supplementary question put by Shri S. W. Dhabe to starred question no. 281, regarding benches of the Supreme Court, was barred from being recorded by the Chairman. When Shri S. W. Dhabe pleaded that the Minister's statement may be recorded, and Shri Suresh Kalmadi pointed out that in the history of Rajya Sabha a Minister's statement has never gone unrecorded, the Chairman observed:

Everybody is only a member. Whether he is a Minister or a member, he is only a member in this House.

(R.S. deb. dt. 9.12.1985, Col. 10)

**624. Questions: Supplementaries: It is the Chairman's discretion to call any member for asking supplementaries**

On 13 March 1989, Shri Vithalrao Madhavrao Jadhav raised a point of order regarding his rights to ask supplementary question.

Ruling out the point of order, the Chairman observed:

It is very clear and you also know it. I want to make it very clear that it is for me to choose whom to call for supplementaries. It does not depend on who raises his hands...It is for the Chair to decide. There is a very well known practice of 'catching the Chair's eye' in May's *Parliamentary Practice*.

(R.S. deb. dt. 13.3.1989, Cols. 9-10)

**625. Questions: Supplementaries: A question relating to policy matter is not allowed in a supplementary**

On 27 April 1995, during the question hour a member put a question regarding the recommendations of the Dinesh Goswami Committee relating to electoral reforms. But another member raising a

supplementary wanted to know the steps taken to provide reservation to women in different electoral bodies.

Disallowing the Supplementary, the Chairman ruled:

It is a basic question. Obviously, it has to be answered after deliberations. On the spur of the moment you cannot ask for an answer. You are asking a policy question in a supplementary. I don't think it is allowed. Please sit down. It is not done under the Rules.

(R.S. deb. dt. 27.4.1995, Cols. 10-11)

**626. Questions: Supplementaries: In the question list if the first member is absent, the second member has right to ask two supplementaries**

On 25 February 1999, when Shri Gurudas Das Gupta wanted to ask a second supplementary question to starred question no. 44 relating to Shiv Sena activists' attempt to disrupt cricket series, Shri Sanjay Nirupam raised an objection to his raising the second supplementary for he was put at serial no. 2 in the question list.

The Chairman ruled:

As per the Rules, when the first member is not present, the second becomes the first. So, he has the permission to ask two supplementaries.

(R.S. deb. dt. 25.2.1999, Cols. 23-24)

**627. Questions: Suspension of question hour: The question hour can not be suspended for discussing a privilege motion**

On 28 July 1987, two notices of breach of privilege against the Prime Minister for misleading the House were received by the Deputy Chairman. One notice was given by Shri Jaswant Singh and the second notice was given by Shri Dipen Ghosh and others. They demanded the suspension of question hour so that the privilege motion could be taken up immediately.

Listening to the submission and analysing the points raised by members, the Deputy Chairman gave the following ruling:

Now I am giving my ruling. My ruling is that the question hour cannot be suspended.

(R.S. deb. dt. 28.7.1987, Cols. 2-21)

**628. Questions: Suspension of question hour: The question hour may be suspended as per the Rules**

On 31 July 1991, Shri Mentay Padmanabham demanded the suspension of question hour. He urged upon the Chairman to immediately take up the discussion on the large scale violence on the farmer community in Andhra Pradesh and other parts of the country. He referred to incidents of firing on the farmers in Andhra Pradesh. While Shri S. Jaipal Reddy supported the demand for the suspension of question hour, Syed Sibtey Razi opposed it. Shri Reddy sought unanimity in moving the motion for the suspension of question hour.

Quoting the relevant rules, the Chairman asked Shri S. Jaipal Reddy to move the motion for the suspension of question hour and observed:

I go by the Rules. Under rule 267 I have permitted you to move the motion. If you don't move the motion, it is your business. Then you do not want to suspend the question hour.

I cannot do anything. You wanted the suspension of question hour. I permitted because that permission I have to give. I have given permission to you to move the motion. Suspension of question hour can be done according to rules and according to those rules I have permitted you to move the motion. If you do not want to move the motion, well and good. If you do not want suspension, the question hour, goes on.

(R.S. deb. dt. 31.7.1991, Cols. 1-4)

**629. Questions: Suspension of question hour: The question hour can be suspended on a motion to this effect supported by the majority in the House**

On 14 December 1993, Shri Ashok Mitra and Shrimati Renuka Chowdhury protested against the disruptions created by some members

who came and stood in the well, thus stalling the proceedings of the question hour. On the demand of Shri S. S. Ahluwalia and Shrimati Renuka Chowdhury to hold a meeting with the leaders of political parties and arrive at a consensus that no obstruction would be made in the functioning of the question hour, the Deputy Chairman gave the following ruling:

I am not opening a discussion on this. That matter is closed with my comment that already many meetings have taken place. Many meetings have been there. Many Chairmen have called meetings. I have had discussions. The Presiding Officers' Conference has taken decision not once but many times, and it is a part of our Rules also. But unfortunately, Rules are violated. The Chair's hands are tied. If a motion is moved to suspend the question hour and it is carried by a majority of votes, I can suspend it. In the absence of a motion moved in the House, I would not arbitrarily, like a dictator, suspend the question hour.

(R.S. deb. dt. 14.12.1993, Cols. 312-18)

**630. Questions: Suspension of question hour: The question hour cannot be suspended and the sense of the House cannot be taken after the Chairman's ruling**

On 11 December 1998, when the House met for business at eleven o'clock, some members demanded that the question hour be suspended to help raise an issue of national importance. Notices from some members were already there with the Chairman.

Appreciating the members' concern, he gave the ruling:

We have decided once and for all in our Joint Session that the question hour will never be suspended. I appreciate your position. I will certainly allow a special mention on this issue after the question hour...After my ruling, no sense of the House can be taken.

(R.S. deb. dt. 11.12.1998, Col. 1)

**631. Questions: Time limit: Eight minutes for each question**

On 26 November 1980, as soon as the House assembled, the Chairman observed:

Before I call the first question today, I will say that 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 instruct the Minister not to answer that question..I am also going to control the Ministers about the length of their answers.

(R.S. deb. dt. 26.11.1980, Col. 1)

## QUORUM

### **632. Quorum: A quorum is necessary even during the lunch hour to pass a Bill**

When the motion for consideration of the Assam Rifles (Amendment) Bill, 1958, was put to the House for adoption, Shri V. K. Dhage pointed out that there was no quorum in the House. Shri P. S. Rajagopal Naidu said that a quorum was not usually insisted on during the lunch hour.

The Deputy Chairman said:

When we pass a Bill, there should be a quorum even during the lunch hour.\*

(R.S. deb. dt. 18.12.1958, Cols. 2862-63)

### **633. Quorum: It is the responsibility and obligation of members to maintain quorum in the House**

On 11 December 1959, the House had to be adjourned early for want of a quorum. Referring to this adjournment on 14 December 1959, the Chairman observed:

I notice that for the first time during these seven or eight years our House had to suspend business on Friday for lack of quorum. Membership of Rajya Sabha is an honour and a distinction. It also carries with it responsibilities and obligations. If you do not carry out the latter, you damage your honour and your distinction.

(R.S. deb. dt. 14.12.1959, Col. 2368)

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\* The motion was adopted only after a quorum was ensured

## REPORTS

**634. Reports: Reports of Committees, on the basis of which a Bill has been prepared, need not be circulated to members if the Minister does not want to do so, unless extracts from such Reports are quoted by him**

On 17 August 1955, when the Minister of Revenue and Defence Expenditure, Shri A. C. Guha, rose to move the Negotiable Instruments (Amendment) Bill, 1955, Shri Jaspal Roy Kapoor rose on a point of order with regard to the privileges and rights of the members of the House. He referred to the Report of the Committee appointed to consider the question as to the manner in which the Post Office Savings Bank Deposit Scheme could be made more popular which, he said, had made certain recommendations on the basis of which the Bill had been brought forward. He observed that the Report should have been made available to members. At least, copies of it could have been made available at the Parliament Library. He argued that withholding of the Report from members raised a question of their privileges and rights as Members of Parliament. This stand was also supported by Shri Bhupesh Gupta and Prof. G. Ranga.

The Deputy Chairman ruled:

I do not think any question of privilege or right is involved..because this is only a departmental Committee... I cannot compel the hon'ble Minister. It is only when he quotes any Report that I can compel him to place it on the Table of the House.

(R.S. deb. dt. 17.8.1955, Cols. 206-11)

**635. Reports: Perusal of confidential Reports: Perusal of the CBI Report by leaders of the Opposition is permitted under oath of secrecy**

On 5 December 1974, when the discussion regarding the laying of the CBI Report concerning the issue of import licences to certain parties of Yanam and Mahe on the Table of the House was going on

endlessly, the Deputy Chairman, as a way out, suggested as follows:

I will make my suggestion and I hope you will consider it. I have been hearing the debate for the whole of yesterday and also part of today and I know what is agitating the minds of the members. At the same time I am also conscious of the fact that there shall not be a precedent nor shall we transgress any ruling that is given in this House. Therefore, I would like to suggest a way out of this. I would request the Government to consider the possibility of calling all the leaders of all the Opposition groups here and also the Minister of Parliamentary Affairs, and may be one more whomsoever he may choose, and the CBI Report may be given to our Chairman and all these leaders could go through it and see whether it has not substantially been reflected in the charge-sheets and if they are satisfied, I think the members will do so on oath of secrecy so that nothing is divulged to the press. If that is done, I think, the Opposition would be satisfied to the extent that they are able to see the Report as such. Therefore, I would suggest this way out so that it may not create a precedent.

Continuing the point, the Deputy Chairman, on 6 December 1974, observed:

*I am talking of precedent. I am telling you that yesterday some member demanded\* because there was a precedent and the Report was placed on such and such a day, it will not be done.\* According to draft, that is what it means. But if there is an independent demand, it cannot be prevented. Now you can say that a ruling was given by Zakir Husain Sahib, you can make that kind of a demand, but\* nobody can quote this as a precedent and demand it as a matter of right.*

Finally, on 10 December 1974, the Chairman observed:

I have heard the discussion just now and I have gone through the proceedings of yesterday. I have also seen what the Deputy Chairman in the Chair has specifically stated. There is no question, either on this side or on that side, of going back. Nobody should doubt each other. Unless we believe each other, it is not possible for us to understand each other. It has been accepted. Really I must say that the credit should go to this

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\* Spoke in Hindi

House. We have done very well and it will be in the best atmosphere. I will consult all the leaders of different political parties and fix up the date, today or tomorrow, at the earliest convenience to you and the Government.

(R.S. deb. dt. 5.12.1974, Cols. 174-75; 6.12.1974, Cols. 158-59;  
10.12.1974, Col. 139)

## RESOLUTIONS

**636. Resolutions: Mover of a resolution should be present in the House, when it is being discussed**

Finding that Shri Bhairon Singh Shekhawat, the mover of a statutory resolution seeking disapproval of the Maintenance of Internal Security (Amendment) Ordinance was not present when the resolution seeking approval of the House on the Ordinance was being discussed, the Vice-Chairman observed:

I cannot restrain myself from observing that the mover of the resolution is not present here nor anyone who appended their names to the resolution is present here. As the Opposition wants the Ministers to be present, when somebody moves a resolution, he should also be present to hear the debate.

(R.S. deb. dt. 10.12.1974, Col. 248)

**637. Resolutions: A Government resolution takes precedence over a motion moved by a member as far as voting is concerned, even if both have been discussed together**

On 26 April 1989, the House was discussing a statutory resolution regarding approval of President's Rule in Karnataka and also the motion recommending recall of Governor of Karnataka, together. The Deputy Chairman put the resolution moved by the Home Minister, Shri Buta Singh, to vote first. Shri M. S. Gurupadaswamy objected to this and argued that the motion be voted first.

Thereupon, the Deputy Chairman gave the following ruling:

No, the propriety is, since the resolution was first and the motion second, the resolution will come.

The Deputy Chairman further remarked:

May I say a word? The resolution and the motion were discussed together, but the resolution was moved by the Government. So it has to be voted first and the motion was for a different thing and not for the same thing.

This is the rule. Because the Government resolution is for something else and your motion is for the removal of the Governor, the Proclamation has to be taken first.

(R.S. deb. dt. 26.4.1989, Cols. 199-200)

**638. Resolutions: Resolutions are not carried over to the next session of the House**

On 5 May 1989, when the House was discussing the 'resolution regarding steps to start democratic process and bring an end to present situation in Punjab', the Vice-Chairman gave the following ruling to justify as to why the Minister would be asked to intervene:

Hon'ble members are aware that a resolution is not carried to the next session; it will lapse. Bills are carried, but not resolutions.

(R.S. deb. dt. 5.5.1989, Col. 362)

**639. Resolutions: Notice of a motion for disapproval of a statutory resolution regarding Proclamation issued under article 356 can be rejected**

On 22 February 1994, the statutory resolution regarding Proclamation issued under article 356 of the Constitution in relation to the State of Manipur was moved by the Minister of State in the Ministry of Home Affairs, Shri P. M. Sayeed for the approval of the House. Shri Satya Prakash Malaviya wanted to know about the status of his notice of a motion for disapproval of the statutory resolution.

The Vice-Chairman observed:

Actually, your notice has been rejected because there is no convention of moving any resolution disapproving a Proclamation.

Shri Satya Prakash Malaviya and Shri Mentay Padmanabham submitted that there had been notices of disapproval of Presidential Proclamation by the members on a number of occasions in the past.

The Vice-Chairman ruled:

I have gathered the information on how your motion was rejected. Previously there had been that practice but later on there were

some objections on the floor of the House itself, and the matter was considered by the Chairman. Now that practice has been done away with, and disapproval of Ordinances has been allowed. Your application was not coming under that new convention, and it was rejected.

(R.S. deb. dt. 22.2.1994, Cols. 331-34)

**640. Resolutions: Resolution seeking disapproval of Ordinance could be moved, even if Standing Committee had cleared it earlier in the form of a Bill**

On 13 December 1994, the House took up discussion on the Cable Television Networks (Regulation) Bill, 1994, along with resolution seeking disapproval of the Cable Television Networks (Regulation) Ordinance, 1994, moved by Shri Viren J. Shah. The member sought to express his disapproval of the justification for the promulgation of the Ordinance and brought forth certain amendments. At this point, Shri Vayalar Ravi raised a point of order regarding the desirability of putting the resolution to vote. He pointed out that after the procedures mentioned in Kaul and Shakdher had been adopted, a new procedure had been in force in the Parliament for a year or so, which emanated from the functioning of Standing Committees which included members from both Houses of Parliament. He said, according to Kaul and Shakdher the resolution and the motion for consideration of the Government Bill seeking to replace that Ordinance may be discussed together with the motion for disapproval and after the discussion the resolution should be voted first. Shri Vayalar Ravi then pointed out that the present Bill was discussed by the Standing Committee and, therefore, it was not that Ordinance, but a new one. The member further said that after the Bill had been approved by the Standing Committee, the Ordinance was issued for expediency because of some compelling situation. He then went on to question whether it would be proper to entertain a motion for disapproval of an Ordinance, which had already been cleared by the Standing Committee in the form of a Bill.

Rejecting his contention, the Deputy Chairman ruled:

The Committees are there and the Bill was pending before the Committee for clearance. Yet the Ordinance was issued by the President. If you look at the order paper you will see what it has

given. It has not been given in the form of a Bill. It is to approve the President's Ordinance. So Mr. Viren Shah is absolutely right in opposing it through the resolution. Secondly, there is no disorder in it.

(R.S. deb. dt. 13.12.1994, Cols. 425-27)

## S P E A K E R

### **641. Speaker: Allotment of accommodation in the Parliament House: Allotment of accommodation in the Parliament House is under the authority of the Speaker**

On 9 December 1985, Shri Suresh Kalmadi made a reference, through a special mention, to the sealing of parliamentary party offices of Congress (S), Lok Dal and D.M.K. in the Parliament House. After listening to Shri Kalmadi and also to the views of some other members and the Minister of State in the Ministry of Parliamentary Affairs, Shri Sitaram Kesari, disallowing repeated interruptions, the Chairman said:

I am not going to allow anything on this now. I am going to put a final seal on this. I just allowed you because this is a matter in which everybody is interested.

Now, allotment of accommodation in Parliament House is under the authority of the Speaker; the authority is vested in the Speaker. Since there are members here, I allowed this matter to be raised here because this is a forum for the members to express their grievances and difficulties. I have myself taken up this matter with the Speaker and I am forwarding Mr. Kalmadi's letter to the Speaker. In view of what the Minister of State for Parliamentary Affairs has said - he has said that this can be sorted out - I think we should all now agree that all is well that ends well.

(R.S. deb. dt. 9.12.1985, Cols. 229-35)

## SPECIAL MENTIONS

### ALLEGATIONS

**642. Special mentions: Allegations: The matter relating to an allegation made against a member of the Council of Ministers should not be raised through special mention**

On 21 August 1986, Shri Ram Naresh Kushawaha wanted to raise a special mention which contained an allegation against a Minister.

Ruling it out, the Deputy Chairman observed:

Mr. Kushawaha wanted to raise this matter as a special mention but the Chairman had not allowed the special mention. If the member has got an allegation to make against a member of the Cabinet, he should write to the Chairman saying I want to raise a serious objection about a particular Minister for a particular action.

Shri Satya Prakash Malaviya raised a point of order saying that the concerned Minister was not a member of the Cabinet but was a member of the Council of Ministers only.

Then, the Deputy Chairman concluded her ruling, saying:

It is applicable to the members of the Council of Ministers also.

(R.S. deb. dt. 21.8.1986, Cols. 39-41)

### CHAIR

**643. Special mentions: Chair: Without prior permission of the Chair, a member cannot associate himself with a special mention made by another member**

On 20 March 1986, Shri Kalpnath Rai made a special mention about assistance to farmers on account of crop damage by hail storm. Shri Satya Pal Malik wanted to associate himself without prior permission.

The Chairman observed:

This will not go on record. If you get inspiration on the spur of moment, I will not allow it. If you had come to me earlier, I would have allowed you to associate yourself with this special mention.

(R.S. deb. dt. 20.3.1986, Col. 35)

**644. Special mentions: Chair: Special mention can be made on any subject with the permission of the Chairman**

On 29 May 1990, Shri R. K. Dhawan made a special mention regarding the F.I.R. lodged in the St. Kitts case and took a long time. Shri M. S. Gurupadaswamy, the Leader of the House, rose on a point of order saying that (i) whenever a special mention is allowed, it should refer to a definite subject-matter; and (ii) the special mention should not be used as a cover to make charges or counter charges against any person.

The Deputy Chairman observed as follows:

The Chairman has permitted him. He is an affected party and he is expressing his view before the House. If he does not express it over here as member, where will he go? So he has been given permission.

(R.S. deb. dt. 29.5.1990, Cols. 258-62)

**GENERAL**

**645. Special mentions: Question of admissibility of a special mention need not be raised in the House, but may be taken up with the Chairman in his Chamber**

On 18 July 1978, when Shri Buddha Priya Maurya, through a point of order, mentioned that while the Chair has the discretion in allowing a special mention, the members should be informed whether it has been allowed or not, the Deputy Chairman observed:

I have requested the members many times earlier that if for any reason a member has not been given permission to raise a

matter in the House, he should not raise that matter on the floor of the House; rather he should obtain full information on it. At least it should not be raised as a point of order. If a member has any objection on anything for raising that matter in the House, he should place it before the Chairman under the rules. If for any reason a member has not been allowed to raise a matter in the House and he has not received any intimation of it, he should not raise such matter on the floor of the House and take the time of the House.\*

(R.S. deb. dt. 18.7.1978, Cols. 215-17)

**646. Special mentions: Question of admissibility of a special mention need not be raised in the House, but may be taken up with the Chairman in his Chamber**

Shri Shiva Chandra Jha pointed out that his special mention on the flood situation in Bihar was not allowed on 24 July 1978, whereas a special mention on the same subject has been allowed on the 25<sup>th</sup> July. He said that he would like to know the reason for it.

The Deputy Chairman observed:

Today, the hon'ble member has raised a matter pertaining to the procedure of the House and such matter had also been raised in the past. At first, I would request the hon'ble member not to raise such questions as to what has been allowed or what has been disallowed in the House. You should meet the hon'ble Chairman and tell him about the issue you want to raise in the House so that the time of the House is not wasted on such things... Please listen. Actually, what I say or the Secretariat says or the hon'ble Chairman says amounts to the same things. Everything is governed by a certain procedure. You will be apprised of the correct position according to that procedure. If you are not satisfied, further discussion may take place. But please do not raise matters regarding allowing or disallowing your mention in the House. In the past also you had raised such things and all these are taken note of but I would again request you not to raise such matters in the House and to resolve all such matters in the Chamber of the hon'ble Chairman itself.\*

(R.S. deb. dt. 25.7.1978, Cols. 173-74)

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\* Spoke in Hindi

**647. Special mentions: Supplementaries are not allowed on special mentions**

On 31 August 1978, Shri Nageshwar Prasad Shahi spoke on the Karakoram Highway under the special mention procedure. When Shri Rameshwar Singh wanted that some time should be allowed to put questions on the subject, the Chairman ruled:

Supplementaries are not allowed on special mentions.

(R.S. deb. dt. 31.8.1978, Cols. 52-53)

**648. Special mentions: When a special mention is made by more than one member, the Minister concerned should give a consolidated reply in the end, after all the members have spoken on the subject**

On 29 January 1980, Shri Rabi Ray made a special mention on the alleged arrest of Shri N. K. Singh, Deputy Inspector-General (CBI). When the Minister of State in the Ministry of Home Affairs, Shri Yogendra Makwana, rose to reply, the Chairman observed:

There are five speakers and the Minister will have the right of reply to all of them. I think it is better that one consolidated reply is given, rather than piecemeal replies. The hon'ble Minister may please make his notes and reply in the end.

(R.S. deb. dt. 29.1.1980, Cols. 87-91)

**649. Special mentions: Only those members whose notices have been accepted are allowed to make special mentions**

On 25 March 1980, when special mentions were being made by members, the Vice-Chairman observed:

I want to make it clear that so far as the special mentions are concerned, only those members who have given notices and

whose notices have been accepted, would be allowed, and no others.

(R.S. deb. dt. 25.3.1980, Col. 257)

**650. Special mentions: Members, if absent in the House when called, need not be called to make a mention on the same subject**

On 24 November 1980, the Deputy Chairman called Dr. Bhai Mahavir to make a special mention but found the member absent in the House.

The Deputy Chairman then observed:

I would like to inform hon'ble members that I think, it would not be possible to call those hon'ble members who have taken the permission of the Chair to make a special mention on the same subject, if they are absent at the time they are called. So, I would request that whenever they seek permission, they should be present in the House.

(R.S. deb. dt. 24.11.1980, Cols. 127-29)

**651. Special mentions: It is not the practice to allow two members to speak on the same subject**

On 24 November 1980, when the Deputy Chairman permitted Dr. Bhai Mahavir to speak on his special mention, Shri Shiva Chandra Jha reminded the Deputy Chairman that there was a ruling to the effect that two members could not speak on the same subject (on a special mention) according to the practice.

The Deputy Chairman observed as follows:

It would not be the practice that two members should speak on the same subject. You had raised a general question and his (Dr. Bhai Mahavir's) was a limited one.

(R.S. deb. dt. 24.11.1980, Cols. 151-52)

**652. Special mentions: A member who gives notice first, gets permission to raise a matter through special mention. Draw of lots is done, if more than one member gives notice at the same time and on the same subject**

On 3 December 1980, as soon as Shri Bhupesh Gupta had finished making a special mention, Dr. M. M. S. Siddhu rose on a point of order to say that on the same subject he had also given notice of a special mention that very morning.

The Chairman observed:

Dr. Siddhu, may I explain? Please listen. When two members give special mentions on the same subject, the member from whom it is received earlier in point of time is given the permission. And if two members give the notice at the same time, then there is a lot and the person who wins the lot gets the chance. So your notice was there, but his notice was received earlier in time. Therefore, he was allowed.

(R.S. deb. dt. 3.12.1980, Col. 251)

**653. Special mentions: A special mention should not last more than three minutes**

On 20 March 1985, when Shrimati Maimoona Sultan took more than the allotted time to speak on a special mention, the Chairman said:

The hon'ble member should know that according to the Rules, a special mention should not last more than three minutes. I have given five minutes. So, please conclude in another minute.

(R.S. deb. dt. 20.3.1985, Col. 141)

**654. Special mentions: No discussion is allowed on a special mention**

On 16 May 1985, when there were interruptions during a special mention on reference to consequences of ban on recruitment in the Central Government and the Public Undertakings, the Chairman said:

No discussion is allowed on a special mention.

(R.S. deb. dt. 16.5.1985, Col. 218)

**655. Special mentions: Special mentions may sometimes be allowed before calling attention**

On 26 July 1985, departing from the convention of the House, the Chairman permitted members to raise special mentions before calling attention.

The Chairman said:

Normally, it is the calling attention that is taken before the special mention. But there are one or two important matters today and I want to change the order with your concurrence. We take the special mentions first and the calling attention later.

(R.S. deb. dt. 26.7.1985, Col. 166)

**656. Special mentions: No assurance is given immediately in response to a special mention**

On 29 July 1985, Shri Parvathaneni Upendra made a special mention regarding reported statement of the Union Minister of State for Home Affairs about incidents of alleged atrocities committed on the harijans in Andhra Pradesh. The speech was followed by repeated interruptions.

The Deputy Chairman ruled:

Please sit down. Mr. Gurupadaswamy, that special mention is made and that is all about it. There is no assurance to be given on a special mention..Nothing will go on record. Mr. Dipen Ghosh, if you are going to speak about your special mention, you can speak; otherwise, no. I would request the Treasury Benches also to be quiet. Please sit down. No, I would not allow..I will not give any guidance to anybody, I have to give guidance to you. When a special mention is made, that is all about it. The Minister will be conveyed by the Parliamentary Affairs Minister and the answer, whatever it is, will be given to you in the regular procedure. That is all about it.

(R.S. deb. dt. 29.7.1985, Col. 412)

**657. Special mentions: Members should not go into unnecessary details of a matter while making a special mention**

On 2 August 1985, while making a special mention on the alleged murder of some harijans in Kanpur District, Shri Kailash Pati Mishra gave a detailed account of the incident.

Thereupon, the Chairman observed:

This is a special mention only. You draw the attention to the serious matter. You cannot go into the details.

(R.S. deb. dt. 2.8.1985, Cols. 177-78)

**658. Special mentions: A Minister has to send written reply of a special mention to the member concerned**

On 23 August 1985, Shri Virendra Verma made a special mention with reference to the need to check selling of fake lottery tickets. As the Minister of State in the Ministry of Finance, Shri Janardhan Poojari, stood up to give a reply to the member, the Deputy Chairman interrupted the Minister, saying:

Not now, because for special mentions we never have the Ministers to reply. You can send him a reply.

The Deputy Chairman also said:

Mr. Poojari, if you have any clarifications to make, please send the reply today. If we start this practice now, then Ministers will have to reply to every special mention immediately.

(R.S. deb. dt. 23.8.1985, Col. 195)

**659. Special mentions: Members cannot ask for an immediate reply to a special mention**

On 13 August 1985, after making a special mention with reference to the crash in jute prices leading to distress sale by jute growers, Shri Gurudas Das Gupta wanted a reply from the Minister as he was present in the House at that time. There were interruptions as other members also made the same request.

The Deputy Chairman ruled:

It is never done in special mentions that the Minister replies immediately. We are not going to deviate from our policy or whatever position we took in the House. Your matter is being

noted. Fortunately the Minister is here. So directly he must have heard it. He must have heard it definitely and you will get the answer in due course... You cannot just ask anybody to give an answer immediately. Please do not ask for such a thing which is not done.

(R.S. deb. dt. 13.8.1985, Cols. 141-42)

**660. Special mentions: A special mention is not replied to immediately**

On 20 December 1985, Shri Parvathaneni Upendra made a special mention with reference to the inordinate delay in the clearance of projects and proposals submitted by some State Governments to the Centre. Shri Upendra objected to not receiving any response from the Government even after several members spoke on the issue.

At this, the Chairman ruled:

This is not the parliamentary practice. You cannot charge the Minister for not making a statement immediately.

(R.S. deb. dt. 20.12.1985, Cols. 197-98)

**661. Special mentions: Special mentions can be disallowed in consultation with the leaders of the parties and the Government, under special circumstances**

On 30 April 1986, Shri Suresh Kalmadi raised a point of order regarding special mentions not being allowed for the second time in a week.

The Chairman observed:

I discussed the procedure of these meetings with the leaders of the parties. In view of importance of the subject relating to Khalistan, leaders of the parties decided that we will give precedence only to this item today and we will discuss it threadbare. It was in consultation with leaders and the Government that I have decided not to allow any special mention today. This is a special circumstance and the House will certainly appreciate what we have done.

(R.S. deb. dt. 30.4.1986, Col. 125)

**662. Special mentions: Special mentions cannot be raised if permission is not granted**

On 24 November 1986, Shri Sukomal Sen was to make a special mention regarding the demonstrations by State Government employees. In the meantime, Shri Sharad Yadav wanted to mention about the incident which took place during the by-elections in Bihar for which permission was not granted.

Then, the Chairman observed:

You can raise question only with my permission. The permission has been refused in this matter. Therefore, you cannot raise it.

(R.S. deb. dt. 24.11.1986, Col. 238)

**663. Special mentions: Names of the newspapers should not be mentioned during the course of a special mention**

On 17 March, 1987, the Chairman, while allowing Shri Jaswant Singh to make his special mention on "Threat to the freedom of the press", ruled out the request of some members to raise this question in the form of a calling attention. He said:

Now certain hon'ble members asked me to consider in general the question of the freedom of the press. They wanted to raise it by way of a calling attention motion and so on. I did not have the time and, therefore, I did not permit. Now, certain hon'ble members wanted to make it as a special mention. I will allow this on this understanding - I have discussed this with them - no newspaper should be named in the course of the discussion, no reference should be made to the persons, either by their name or by their designation. Only the general principle of the freedom of the press should be raised and discussed. On this basis I give the floor to Shri Jaswant Singh.

(R.S. deb. dt. 17.3.1987, Col. 222)

**664. Special mentions: A special mention is to be made within the parameters of the Rules**

On 2 December 1987, while Shri Lal K. Advani was making a special mention on "Delay in Assent to Indian Post Office (Amendment)

Bill, 1986 by the President", he mentioned about the President. This provoked Shri Hanumanthappa to say that he was reflecting on the conduct of the President. Shri Anun Singh also supported the contention of Shri Hanumanthappa.

Asking the members to take their seats, the Deputy Chairman remarked:

Listen, you know when the Chair is standing you are not supposed to speak. Please listen, when I am talking you cannot intervene like that.

He has asked for permission for a special mention and the Chairman has permitted and he has promised that he is not going to discuss the President or his conduct. This is not a discussion. This is only a special mention. So, within the parameters of the Rules he is going to make a special mention and that is allowed.

(R.S. deb. dt. 2.12.1987, Cols. 236-37)

#### **665. Special mentions: Members can follow the prevailing procedures regarding special mention**

On 2 March 1989, Shri Kamal Morarka raised a point of order. He wanted to know as to why the Government was not replying to the special mentions within the stipulated time of three months\*. He further wanted that the Minister should reply immediately to the special mentions raised in the House.

The Vice-Chairman ruled out the point of order in the following manner:

Please sit down Mr. Morarka, there is no question of a point of order. I rule it out. The procedures are very clear. If the reply does not come within three weeks\* on the special mention, then you can write to the Chairman. Then, the Chairman will direct the Government. There is already a procedure and members can follow that procedure.

(R.S. deb. dt. 2.3.1989, Cols. 240-42)

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\* The reply is required to be furnished to the member concerned within one month. — Editor

**666. Special mentions: Special mentions are made on matters of public importance**

On 3 August 1989, Shri S. S. Ahluwalia was making a special mention on revival of fundamentalism due to pact between communal and political parties. While speaking on the special mention he raised some points relating to the year 1942 and mentioned some names. Shri Gurupadaswamy and Shri Parvathaneni Upendra objected to the special mention and asked the Chair whether the year 1942 is a matter of urgent public importance? Generally, special mentions are on matters of urgent public importance.

The Deputy Chairman ruled:

I want to give my ruling on your suggestion that a special mention is made on a matter of public importance. I think, communalism and fundamentalism are of public importance. That is why it was allowed.

(R.S. deb. dt. 3.8.1989, Cols. 265-73)

**667. Special mentions: The title of special mention as issued by the Secretariat is only for convenience, not for narrowing down the scope of it**

On 9 June 1998, soon after Shri Nilotpal Basu had made certain references while associating with a special mention on VHP's plan to construct Ram Temple at Ayodhya, Shri M. Venkaiah Naidu rose on a point of order. Shri Naidu, said that since the special mention permitted by the Chairman was limited only to the plan of construction of Ram Temple at Ayodhya, the member should not be allowed to make references to Liberhan Commission, the Home Minister and such matters that are beyond the scope of the permitted special mention. At this point, some members made brief references to the original notices given to the Secretariat by them for special mention, wherein several other points were mentioned.

But Shri Venkaiah Naidu pleaded with the Chair to restrain member from making such reference and sought a ruling from the Chair on the matter.

Then the Chairman observed:

The hon'ble member had given a detailed notice on many things including VHP's plan for construction of Ram Temple at Ayodhya. This notice was given by Shri Nilotpal Basu. What he says is correct. It is a part of the notice.

As a matter of fact, various notices were given. If we give all the things mentioned in the notices, then it would be a very long thing. So we have made it small. When a member gives notice, he mentions all the points. We cannot give the whole thing. That is why it is like this.

(R.S. deb. dt. 9.6.1998, Cols. 258-65)

## **STATE SUBJECTS**

### **668. Special mentions: State subject: Special mention is not permitted on a State subject**

On 25 February 1982, Shri Rameshwar Singh intervened during a special mention on reported study by the British High Commission about corruption in India and kept insisting on raising a State subject.

The Deputy Chairman refused to grant him permission for that and observed:

In the past you had always been granted permission to make special mentions provided the matter raised was a proper one. However, permission cannot be granted for raising a State subject. It is the tradition of the House that generally permission is not given for raising a State subject. There is a State Assembly there, your members are there and you may daily raise such questions there. Generally, we do not grant permission for raising a matter which is a State subject, this is the tradition of the House.\*

Emphasizing the point further, the Deputy Chairman stated:

I will not give you permission because you want to raise an issue which is a State subject. If you are going to raise any matter relating to the Central Government, permission will be granted.\*

(R.S. deb. dt. 25.2.1982, Cols. 211-12)

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\* Spoke in Hindi

## STATE LEGISLATURES

669. **State legislatures: Discussion on situation arising out of the failure to discharge constitutional responsibility under article 178, to elect Speakers to State legislatures is in order. Casting reflections on the Assemblies, however, is out of order**

On 2 July 1980, the Chairman had admitted a special mention tabled by Shri L. K. Advani and Shri Bhupesh Gupta about the situation arising out of failure to discharge constitutional responsibility to elect Speakers of the Legislative Assemblies of U.P. and Rajasthan. But an objection was taken to the jurisdiction of the House to discuss this matter by Shri Shyam Lal Yadav and Shri N. K. P. Salve and the Leader of the House, Shri Pranab Mukherjee. The Vice-Chairman reserved the entire matter for consideration of the Chairman after the viewpoints for and against the objection were debated in the House and assured the House that the whole proceedings would go to the Chairman for his ruling.

On 3 July 1980, when the House met in the morning, the Chairman gave the following ruling:

I have a ruling to deliver.

I admitted on 2 July 1980, a special mention tabled by Shri L. K. Advani and Shri Bhupesh Gupta which they had worded thus:

Situation arising out of failure to discharge constitutional responsibility under article 178 to elect Speakers of Legislative Assemblies of U.P. and Rajasthan.

I have earlier rejected a request for a calling attention on the same subject because the election of the Speakers of the Legislative Assemblies is not ordinarily a concern of this House and, therefore, a calling attention which requires explanations from the Treasury Benches was not appropriate.

Objection was taken yesterday to the jurisdiction of this House to discuss this matter and incidentally, a question was also raised about the propriety of admitting such a motion. My colleague, Shri Dinesh Goswami, has reserved the point for my consideration.

Although the hon'ble Leader of the House seemed to concede that it was the exclusive prerogative of the Chairman to admit a special mention motion, I do not wish to shelter myself behind this assurance. I have never considered that any office is above law and the Constitution. I, therefore, proceed to give my ruling. As the matter is delicate, I would beg of the hon'ble members to bear patiently with me.

The objections may be summarized so that they may all be considered. They are:

- (i) That this House is not competent to discuss the functioning of a State Legislature as the Constitution confers no such powers on this House;
- (ii) Rules of Procedure and Conduct of Business in Lok Sabha preclude a State matter to be discussed;
- (iii) Motions should not be admitted on matters not primarily the concern of the Government of India;
- (iv) A *pro tem* Speaker has been appointed under article 180 pending the election for which a date has been fixed.

These points were raised by Shri Shyam Lal Yadav. In the speeches supporting his point of order, Shri Salve repelled the claim of Shri Advani and Shri Bhupesh Gupta that article 355 of the Constitution covers the motion. Shri Salve referred to the last 20 words of that article and said that they refer to the government of the State, that is to say, the Executive, and not the Legislature of the State. To this, Shri Bhandare added that article 355 is in Part XVIII which are emergency provisions.

The subject divides itself into two parts: (a) the propriety of the motion; and (b) the constitutionality thereof. In so far as propriety is concerned, I agree that there should be a comity between different Legislatures which put in everyday language is "We do not discuss you and you do not discuss us". If the matter had rested there, I would have rejected the demand for a special mention. It does not rest there.

Both Shri Salve and Shri Bhandare have, with respect, missed a salient fact. In the election of a Speaker two entities are involved. They are the members as a whole on the one hand and the Governor on the other. Even Shri Salve and Shri Bhandare will

concede that the Governor, the Head of the Executive in the State, is according to the Constitution and the General Clauses Act, the apex of Government and the expression State Government may refer to him in article 355. The words are:

It shall be the duty of the Union...to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

This postulates that if the Governor does not act as he should, the Union Government must see that he does; and if it is the duty of the Union, then it is within the competence of this House to mention a fact.

I am not going into the merits of the case with dates, etc. which my friend Shri Goswami rightly ruled out from the discussion. But assuming some facts one can see the matter in correct light. Suppose a coalition Government cannot agree on the name of a Speaker and lets the matter drift from day to day and week to week. No doubt a *pro tem* Speaker can be in charge of the House. But for how long? There is a responsibility on the Governor, as it is on the President of India, to ensure an early election of a Speaker. I have not had time for precedents to be looked up but I do not have to go far.

In 1969, when I acted for five weeks from 20 July 1969 to 24 August 1969, this question had arisen after the resignation of the then Speaker, our present President of India. The election of the Speaker of Lok Sabha was being unduly delayed and complaints were made to me. Shri Bhupesh Gupta will be able to recall what I did. I have mentioned it in my book of Memoirs at page 239. Unfortunately the book will not be out for a week to ten days but I read from the proofs:

A representation was made to me that the election of the Speaker of the Lok Sabha (House of the People) was being needlessly delayed. I directed that the election be held without delay.

This much from a *pro tem* President.

So from the angle of the Governor there is nothing in the motion as it is worded to deny jurisdiction to this House to have a special mention. From the angle of propriety, I am sure the Chairman

presiding will be able to rule out any reflection upon the Assembly as such.

I rule the motion to be in order.

(R.S. deb. dt. 2.7.1980, Cols. 175-95; 3.7.1980, Cols. 1-4)

**670. State legislatures: Proceedings: Members should not discuss or make comments on the proceedings of State legislatures**

In making a reference to his calling attention notice regarding the strike by Government employees and the consequent law and order situation in Uttar Pradesh, Shri Rajnarain made certain comments about the manner in which the proceedings of the U.P. Legislative Assembly were being carried on. Shri Chandra Shekhar and some other members, rising on a point of order, asked whether it was proper for anybody in the Council to comment upon the proceedings of State legislatures and also the manner in which they were being conducted.

The Chairman said:

I think there is great substance in it...I do not want the proceedings of the U.P. Assembly discussed here.\*

(R.S. deb. dt. 25.7.1966, Cols. 122-24)

**671. State legislatures: Proceedings: Proceedings of State Assemblies should not be discussed in the House**

On 9 March 1984, Shri K. Mohanan, wanted to bring to the notice of the House a serious situation prevailing in some non-Congress (I) ruled States. While raising this issue, he said that the Congress (I) MLAs are not allowing the legislatures to function. But the Deputy Chairman did not allow him to continue for it was not brought to his notice earlier nor the permission obtained. Not convinced by that Shri Arabinda Ghosh said, "Everywhere they are destroying Parliamentary Democracy".

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\* The portions referring to the proceedings of the U.P. State Legislative Assembly were expunged from the proceedings. — Editor

At this stage, as tempers were frayed across the floor of the House, disallowing the members, the Deputy Chairman observed:

I told you that we cannot discuss here what is happening in State Assemblies.

Seeing many members attempting to raise the same matter again and again, the Deputy Chairman observed as under:

May I request all members of the Opposition to take your seats? If you adopt this novel procedure that this House can discuss what members do in State Assemblies, it will be a dangerous practice.

(R.S. deb. dt. 9.3.1984, Cols. 202-04)

**672. State legislatures: Proceedings: Proceedings of State Assemblies should not be discussed in the House**

On 12 August 1993, while speaking on the Minister's statement regarding fatal bomb attack on a Telugu Desam MLA, Shri Mentay Padmanabham referred to some incidents that had happened in the State Assembly.

The Deputy Chairman ruled:

In a country like ours, we have a Parliament and we have the State Assemblies. What happened in the Legislative Assembly, you don't discuss here.

(R.S. deb. dt. 12.8.1993, Cols. 329-32)

## VOTE ON ACCOUNT

### **673. Vote on Account: No impropriety in laying Vote on Account before the House**

On 25 February 1991, Shri Atal Bihari Vajpayee raised a point of order regarding the Railway Budget which was to be presented. His point of order was that the House was convened for a discussion on the Railway Budget but, what was presented by the Government was not a full fledged Railway Budget but a Vote on Account. Some other members also associated themselves with his point of order and wanted to know whether there is a Vote on Account for the entire year as it was mentioned that it was for the whole year.

The Vice-Chairman observed:

I was just trying to dispose of the point of order. I said that the Government is entitled to lay before this House the Vote on Account and there is no impropriety in it. Article 112 which has been relied upon does not prohibit the Government from this procedure. In fact, article 116 of the Constitution is enabling. So, there is no point of order.

(R.S. deb. dt. 25.2.1991, Cols. 223-39)

## VOTING

### **674. Voting: 'Abstention' from any voting in the House is not taken into account within the meaning of 'present and voting'**

On 13 October 1989, Shri L. K. Advani raised a point of order relating to interpretation of 'Abstention' in the electronic vote recorder while voting on a Constitution (Amendment) Bill. The Constitution (Amendment) Bills require a special majority of the House which has been defined under article 368 of the Constitution wherein it is said that the Bills have to be passed by a majority of not less than two-thirds of the members of the House present and voting. Shri Advani raised this issue as the electronic device was provided with three buttons. 'Ayes, Noes and Abstention' and his point was that if a member is present and pushes the 'Abstention' button, he is also voting and therefore, the total strength of the House, present and voting includes him. Therefore, what is crucial is not that he voted against the Bill but that he did not support the Bill. He was keen on ascertaining the Chair's interpretation of 'present and voting', and whether the strength of those members who vote for 'Abstention' is also to be computed while deciding the special majority that has voted in favour or not.

The Deputy Chairman observed:

I will read out what is the legal implication. But I also want to say that in common sense voting means that you are here voting 'yes' or you are voting 'no'. 'Abstention' is for computing how many members are present, to correct it. That is what my understanding is. I will read out the legal paper that the Secretariat has found out.

Article 368(2) of the Constitution, *inter alia*, provides that a Bill to amend the Constitution is required to be passed in each House by the majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting. A point has been raised whether the member who abstained from voting can be deemed to be present and voting within the meaning of the article. In other words, the point is whether the abstention could be counted in any way for the purpose of voting. It is established that abstentions in any voting are not taken into consideration in declaring the result on any

question. A member who votes 'Abstention' either through the electronic vote recorder or on voting slip or in any other manner does so only to indicate his presence in the House and his intention to abstain from voting. He does not record his vote within the meaning of the words 'present and voting'. The expression 'present and voting' refers to those who vote for 'Ayes' or for 'Noes' and not to those who are merely present but not voting either in favour or against any question before the House. This has also been the practice in this House in the past so that whenever members have abstained from voting, they have not been counted for the purpose of declaring the result of a division. Even in an election if you abstain, your vote will not be counted.

(R.S. deb. dt. 13.10.1989, Cols. 178-79)

**675. Voting: Ministers: Ministers who are not members of the House, can sit in the House at the time of voting but cannot vote**

On 30 January 1980, when an amendment to the Motion of Thanks on the President's Address was being put to vote, Dr. Rankripal Sinha requested all the Ministers, except the Prime Minister, who were not members of the House, to leave the House before voting. He added that it was the Minister of Parliamentary Affairs who had pressed this question when the previous Government was there and the Ministers then used to withdraw. The Leader of the Opposition, Shri Lal K. Advani, did not agree with this proposition although such a thing did happen in the past, adding that such was not the case in Lok Sabha also. He suggested that Ministers who were not members of the House may remain in the House.

Thereupon, the Chairman observed:

Nobody, who is not a member of this House, will be allowed by me to vote. That is the end of the matter.

(R.S. deb. dt. 30.1.1980, Cols. 347-48)

## WHIPS

**676. Whips: Members should come through their whips to speak on a matter**

On 16 August 1985, during a calling attention on the present Sugar Policy resulting in the decline of sugar production in the country Shri Kalpnath Rai also wanted to speak.

The Deputy Chairman said:

You have to come through your whip. Do not come to me direct.

(R.S. deb. dt. 16.8.1985, Col. 299)

## ZERO HOUR

### **677. Zero Hour: Prior permission of the Chair should be obtained about matters to be raised during zero hour**

On 5 April 1977, when Shri Mohammad Yunus Saleem and Shri Nripati Ranjan Choudhury wanted to raise some matters during zero hour without the prior permission of the Chair, the Deputy Chairman, while not permitting the members to raise the matters, observed:

If the point to be raised is so important, they could at least have taken me into confidence and not sprung a surprise on me. I cannot say anything without knowing what point they want to raise. I will not come in the way of any member raising any important matter. I will only see in what way it could be done. But I must be taken into confidence and we should co-operate in these matters. I would again request you to let me know the points which you want to raise and I will consider the ways and means by which they can be brought before the House... I request the hon'ble members to give me in writing the points which they want to raise.

(R.S. deb. dt. 5.4.1977, Cols. 51-53)

### **678. Zero hour: 'Zero hour' is not provided in the Rules; the Chair, however, permits members to mention important matters concerning the House during this time**

On 12 August 1985, during zero hour, with the permission of the Chairman, Shri Lal K. Advani raised a matter with reference to policy announcements made by Ministers outside Parliament when Parliament was in session. Considering it a breach of propriety Shri Advani referred to certain announcements made by the Finance Minister and Commerce Minister outside the House and wanted a ruling from the Chair on the issue. The Chairman rejected the observation made by Shri Advani.

At this point, Shri N. K. P. Salve raised a point of procedure saying that whenever there is a procedure to be looked outside the Rule Book, there should be some guidelines under which the House should work.

The Chairman observed:

Hon'ble members are aware that in Parliament, there are conventions besides Rules. The "zero hour" has been a convention in this House right from the days of Dr. Radhakrishnan. People have been permitted to raise questions during this hour and it goes on in both the Houses and everybody knows. Thanks to the co-operation I have received from the Opposition, I have managed to dispense with the zero hour, but provide opportunity to members to make important statements when it concerns the House. This is a matter which concerns the House and, when permission was sought, I have granted it.

(R.S. deb. dt. 12.8.1985, Cols. 237-39)

**679. Zero hour: The issues raised in the House during zero hour are first considered and decided by the Chairman in his Chamber**

On 20 November 1985, the Chairman wanted to call Shri Chaturanan Mishra to raise the issue of the situation arising out of steep rise in prices of essential commodities through a calling attention notice. But Shri M. Kalyanasundaram wanted to raise a matter in regard to the Central Government employees.

The Chairman ruled:

I will not allow this, I consider all these matters in my Chamber and whatever is urgent and important, I allow. This is not such an urgent thing and this has not been raised in my Chamber. Therefore, I am not allowing it. I am not going to deviate from this practice.

(R.S. deb. dt. 20.11.1985, Col. 187)