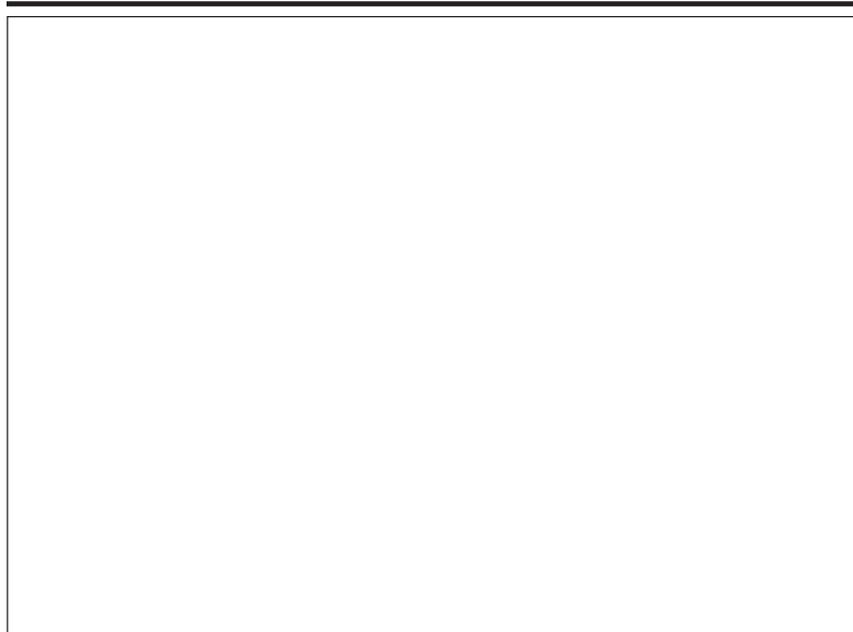




RAJYA SABHA
PRACTICE & PROCEDURE SERIES

VOTING AND DIVISION

19



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PREFACE

This booklet is part of the Rajya Sabha Practice and Procedure Series which seeks to provide the procedure regarding Voting and Division in Rajya Sabha. It is based on the Rules of Procedure and Conduct of Business in Rajya Sabha. The booklet is intended to serve only as a handy guide for ready reference. For full and authentic information original sources may be referred to and relied upon.

New Delhi
February, 2005

DR. YOGENDRA NARAIN
Secretary-General

VOTING AND DIVISION

Introduction

Matters in parliamentary democracy are generally decided by voting. In parliamentary parlance this is called 'Division', *i.e.* dividing the House to decide a matter by majority vote. Every matter requiring the decision of the House is decided by means of a question put by the Chairman on a motion made by a Member. After the motion has been moved, the Chairman formally proposes or places the motion for consideration of the House. At the end of the debate on the motion, he puts the motion for the decision of the House in the following terms:—

The question is: '.....' (In proposing the question, the Chairman here repeats the motion as moved by the member).

Methods of Division

Rules 252 to 254 of the Rules of Procedure and Conduct of Business in Rajya Sabha provide for the different methods of Division in the House. The rules provide for four methods of voting in Rajya Sabha. By two methods the votes are not recorded and through the remaining two the votes are recorded as a permanent record. These methods are described below:

1. Voice vote;
2. Counting;

3. Division by automatic vote recorder; and
4. Division by going into the Lobbies.

Voice vote

Rule 252 provides for the first two methods. On the conclusion of a debate, the Chairman puts the question before the House and invites those who are in favour of the motion to say "Aye" and those against the motion to say "No". Then the Chairman says: "I think the Ayes or the Noes, (as the case may be) have it". If the opinion of the Chairman as to the decision is not challenged he says twice: "The Ayes or the Noes, (as the case may be) have it" and the question before the House is determined accordingly. This method is called voting by 'voice vote' and votes are not recorded. When a question is decided by this method, the Chairman does not announce the numbers of "Ayes" and "Noes".

Division by count

If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the House. In this case also, the names of the voters are not recorded.

If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the above

procedure, he shall order a "Division" to be held under which the votes can be recorded and matter decided. Rules 253 and 254 provide for two different methods of division—one by operating automatic vote recorder and the other by going into Lobbies. If a member wants to challenge the opinion of the Chairman as to the decision on a question, he must do so immediately after the Chairman expresses the view, "I think the Noes/Ayes have it" and before he declares the result.

When a division is about to be taken, only members of the House have the right to be present in the Inner Lobby and all other persons, including those to whom as a courtesy right of access is allowed, must vacate it. In other words, the lobby has to be cleared for a division. A member of the other House, who is a Minister, can be present in the House during a division though he has no right to vote. It is, however, better if he is not present in the House to avoid objections.

When the Chairman orders that the 'Division' be held, the Secretary-General operates a switch which causes electric bells to ring in the Parliament House complex for two and a half minutes, so that the members who are not present in the House but are present within the Parliament House complex can rush to the House to record their votes. As soon as the bells stop ringing, all entrances to the Inner Lobby are closed and there cannot be further entry or exit of members from these entrances. The bells ring intermittently, indicating that

a division is to take place in Rajya Sabha as against continuous ringing which is the case in the Lok Sabha Division. Division bells are only for convenience of members. Members should take sufficient precaution to ensure that they are present at the time of division to record their votes.

Division with the aid of Automatic Vote Recorder—(under rule 253)

Each member is assigned a fixed seat. Each seat is provided with an integrated microphone and voting console containing four buttons-'P' for PRESENT, 'A' for AYES, 'O' for ABSTAIN and 'N' for NOES. There is also a separately situated security button in 'RED' (Vote activation) provided on the Language Selector.

A red LED 'Vote Now' lighting during the voting period indicates that the voting functions are operational/active.

To record his vote, a member has to press the vote activation button and one of the voting buttons of his choice (Ayes/Noes/Abstention) simultaneously. Each voting button has an assigned LED indicating the correct and valid voting function as long as a button is pressed together with the vote activation button.

The voting process starts with a musical sound on the Large Screen Hall display in the two corners of the Chamber. A red light also comes on the vote indicators near the Chair and on the two red LED result display

panels at the back of the Chamber. Each member has to keep the voting button as well as vote activation button pressed simultaneously for ten seconds, *i.e.*, at the time of closing of voting in order to register a valid vote. For facility, LED counters show the count down from 10 seconds to 0 second.

The individual result display panels are located on either side of the Presiding Officer's seat, arranged in a geographical layout similar to the seating arrangement of the Chamber. For each member, the corresponding division number is indicated on the panel along with LED display array which shows:

- a green 'A' for "AYES"
- a red 'N' for "NOES"
- a yellow 'O' for "ABSTAIN"
- an amber 'P' for "PRESENT"

During the voting period, the member can change his vote at any time. The vote cast at the time when the voting period is ending will be valid, *i.e.*, the buttons kept pressed at the tenth second will be recorded. In case either one or both the buttons are released prior to close of voting period, the vote will not be registered. The count down time is also indicated on the display board. If a member finds that he has voted by mistake by pressing the wrong button, he can be allowed to correct his mistake, provided he brings it to the notice

of the Chairman before the result of the Division is announced.

The equipment can be used for:—

- (i) ORDINARY DIVISION or open voting in which case the names of members voting for or against a question are recorded.
- (ii) SECRET VOTING or closed voting in which case only the number and not the names of members voting for or against a question is recorded.
- (iii) QUORUM or automatic counting of the members present in the House.

There is a key board fixed on the Table of the Secretary-General. On the direction of the Chairman, the Secretary-General operates it to set in motion the voting process of the particular type required.

- (i) **Ordinary Divison**—As soon as the Secretary-General presses the button, a musical sound indicates that voting has started and each member has to keep pressed, simultaneously and for ten seconds, the vote activation (RED) button provided on the language selector and one of the voting buttons according to his choice. The voting buttons kept pressed at the tenth second will be recorded. In case one of both these buttons are released prior to close of voting period, the vote will not be registered. The

musical sound a second time, at the end of the ten second period indicates that the voting has ended. The passage of the ten second period is indicated by the count down time from ten to one on the total result display panels which are located in galleries on left and right side of the Chairman.

- In case a member finds that he is pressing the wrong button, he can rectify the mistake by removing his finger from that button and pressing the right one within the period of ten seconds, that is, before the music sounds a second time to indicate that the voting is over. After the second sound of the music, no correction is possible.
- Individual results are shown by the three characters 'A', 'N' or 'O' on the individual results display panel. Individual results will be frozen at the end of voting.
- After the end of voting, the final results are displayed on two total results display panels located in galleries on left and right side of the Chair. The result display panels show the total of Ayes, Noes and Abstains, as well as the total number of members present and participating in the vote.

(ii) **Secret Voting (Closed Voting)**—In the case of secret voting, the method is exactly like the one described above, the only difference being that which

ever button is operated by a member, individual result display panel shows an amber 'P', in every case just to show that the voting has been recorded.

(iii) **Quorum (Presence Registration)**—The vote recording equipment, as has been pointed out, can be used for the automatic counting of members for quorum. For such counting, members have to press, simultaneously, the Vote activation button and 'Press' button from voting console. The individual result display panels show an amber 'P' and the total number of members present is indicated on the total result display board.

- The actual process of voting is really simple. All that a member has to do at the time of voting is to keep to the seat assigned to him and press the button of his choice, alongwith the voting activation button at the right time and to keep them pressed untill the music sounds for the second time. If a member does not keep to the seat assigned to him, the vote will not be registered and the computer print out to keep a permanent record of the voting will not give a true picture of the voting.

(iv) **Correction in Result**—(1) A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Chairman, may with his permission

have his vote recorded verbally by stating whether he is in favour of or against the motion or question.

(2) If a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake provided he brings it to the notice of the Chairman before the result of the division is announced.

Division by going into Lobbies—(Under rule 254)

If the Chairman decides that the votes shall be recorded by the members going into the Lobbies, he may direct the 'AYES' to go into the Right Lobby and the 'NOES' into the Left Lobby. In the 'AYES' or 'NOES' Lobby, as the case may be, each member calls out his Division Number and the Division Clerk concerned, while marking off his number on the Division List, simultaneously calls out the name of the member. For instance, in 1981, fifty-eight divisions were held in Rajya Sabha on 17-18 September, in connection with a 14-clauses Bill (The Essential Services Maintenance Bill, 1981). The first twenty divisions were held by operating the Automatic Vote Recording Machine. For the next four divisions, members were required to record their votes by going into the Lobbies. The subsequent divisions were resumed in the Chamber by operating the Automatic Vote Recording Machine.

After voting in the Lobbies is completed, the Division Clerks hand over the Division Lists to the Secretary-General who counts the votes and presents the total of 'Ayes' and 'Noes' to the Chairman.

A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded either at his seat or in the Inner Lobby.

If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake provided he brings it to the notice of the Chairman before the result of the Division is announced.

When the Division Clerks have brought the Division Lists to the Secretary-General's Table, a member who has not, up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman. The result of a Division, whatever might have been the procedure adopted, is announced by the Chairman and cannot be challenged.