



**INITIATING DISCUSSION ON
VARIOUS TYPES OF
DEBATES IN
RAJYA SABHA**

**RAJYA SABHA SECRETARIAT
NEW DELHI**

April, 2012

PREFACE

Free and open discussions and debates, on the floor of Parliament on several important issues facing the nation, are at the heart of parliamentary democracy. Members of Parliament have the onerous responsibility of articulating the concerns of the people through active and constructive participation in the deliberations of the House. The valuable contributions made by the Members go a long way in ensuring the ability of Parliament to respond to the aspirations and needs of the people and for the success of parliamentary democracy. It is, therefore, essential that the parliamentary rules and procedures provide ample opportunities to Members to raise matters of public importance to ensure the executive accountability to Parliament and to seek the redressal of people's grievances. Rajya Sabha, as an Upper House of our Parliament, has over the years, devised rules and evolved practices and conventions to provide greater opportunities to Members to raise issues of public importance through discussions and other interventions.

This booklet describes succinctly the procedure and practice, including conditions of admissibility, relating to parliamentary devices, such as Calling Attention, Short Duration Discussion, Half-an-hour Discussion, Motions, Resolutions, Motion of Thanks on President's Address, etc. It is based on the Rules of Procedure and Conduct of Business in the Rajya Sabha and the conventions and practices of the House. For full and authentic information, original sources may be referred to.

I hope Members will find this publication useful.

New Delhi;
April, 2012

DR. V. K. AGNIHOTRI
Secretary-General.

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INTRODUCTION

Parliament is not only a legislative body but also a deliberative body, which provides opportunities to Members to raise issues of public importance in order to seek their resolution from the Government of the day. A variety of procedural devices designed by the Parliament helps to secure the accountability of the executive to the Parliament and, through Parliament, to the people. Besides, these devices also provide the framework for smooth and orderly transaction of business in the Parliament. Parliamentary procedures, in fact, govern various matters, such as passing of legislation, allocation of time for debate and discussion, constitution and functions of the Committees, oversight of the executive, ventilation of public grievances, among others. It is, therefore, important that parliamentary rules and procedures should be devised in such a way that they protect the rights of all Members and their parties. "They should ensure that all matters can be brought to a decision without at the same time stifling dissent. Opportunities should be available to individual Members to raise matters of importance to them and their constituents. In short, procedures should be designed to organise the time of the House in as effective a manner as possible¹."

India, after independence, preferred the Parliamentary system of government to the Presidential system to ensure accountability of the government on periodic and daily basis. This aspect was emphasised by Dr. B. R. Ambedkar, principal architect of the Constitution of India and the Chairman of the Drafting Committee, while introducing the Draft Constitution in the Constituent Assembly on 4 November 1948. He said: "The Parliamentary system differs from a non-Parliamentary system in as much as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by Members of Parliament, through Questions, Resolutions, No-confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five years or earlier. The daily assessment of responsibility which is not available under the American system is, it is felt, far more effective than the periodic assessment and far more necessary in a country

¹Parliaments in the Modern World by Philip Laundy, Dartmouth Publishing Company Limited, Gower House, Aldershot, 1989, p. 61.

like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability²."

Article 118 of the Constitution empowers each House of Parliament to make rules for regulating its procedure and conduct of its business. Under this provision of the Constitution, the Council of States (Rajya Sabha or the Upper House of Parliament) adopted rules for regulating its procedure and conduct of its business in June 1964. As parliamentary institutions have widened their scope of activities, the parliamentary procedures and practices need to be adapted to meet the challenges of governance and development and the rising expectations of the people. Keeping pace with the time, the Council of States has been effecting changes in its rules of procedure and developed new practices with the objective of providing more opportunities to the Members for redressal of public grievances, ensuring executive accountability to Parliament and make the functioning of the House more effective. Over the years, Rajya Sabha has built an enormous corpus of rules, procedures, practices, conventions, precedents, etc. making it a distinct and vibrant chamber of our Parliament, which is continuously engaged in promoting the cause of parliamentary democracy for the welfare of the people.

The procedure prescribed in the rule book for raising issues that agitate the minds of the Members in the House, therefore, need to be dynamic enabling Members to articulate their concerns in Parliament in order to effectively address the needs and aspirations of the people. The Rajya Sabha has provided in its rule book several procedural devices for raising issues of public importance for discussion and intervention. Some of these are half-an-hour-discussion, calling attention, short duration discussion, discussions on budget proposals and working of Ministries/Departments, resolutions, motions, motion of thanks on the President's Address, etc.

Apart from the rules, practices and precedents have evolved, over the years, to govern the admissibility and the procedure for making use of different Parliamentary devices for raising matters of public importance for discussion and intervention. It may be mentioned that, at the commencement of each session, Members are informed about the procedures and conventions followed in respect of various parliamentary devices for raising issues for debate and discussion. The Rules of Procedure and Conduct of Business in the Council of States clearly mention the conditions of admissibility in respect of resolutions, motions etc. It may further be stated that in respect of some of the procedural devices, like matters raised with permission and Calling Attentions, absolute power vests

² Constituent Assembly Debates, Vol. VII, pp. 32-33.

with the Chairman to admit the notices and allow raising of the matter. In other devices, such as Short Duration Discussions and Motions on matters of public importance, though the Chariman has the power to admit the notice, he is required to consult the Leader of the House for allotment of date for discussion thereon.

CALLING ATTENTION

Rule 180 of the Rules of Procedure and Conduct of Business in the Council of States enables a Member to call the attention of a Minister to any matter of urgent public importance with the previous permission of the Chairman. The Minister may respond to it by making a brief statement or may ask for time to do so at a later date or time. No debate takes place on such a statement when it is made. As per the limit set by the rule, not more than one such matter is raised at the same sitting. In case, there are more than one matter scheduled for the same day, the Chairman decides priority on the basis of the urgency and importance of the matter. Normally, Calling Attention is taken up after the completion of the Question Hour and the laying of papers on the Table of the House and before any other item in the List of Business is taken up. No other time during the sitting of the Council is preferred for taking up Calling Attention.

Members can give notices in the prescribed form (**Annexure I**) for Calling Attention immediately after the issue of the summons of the Session of the Council of States. Calling Attention Notices for a particular day in a week are required to be kept alive for that week. They are placed before the Chairman for his consideration on a daily basis, including the notices received upto 10.30 a.m. on that day. Those notices received till 10.30 a.m. on the last date of the week on which the House sits and not admitted by the Chariman are deemed to have lapsed. No intimation in this regard is sent to the Members concerned. However, a Member can revive a lapsed notice for a subsequent week by giving a fresh notice or submitting a Calling Attention renewal form (**Annexure II**) at the Notice Office. In such a case, the date and priority of notice will be the date and time at which the renewal notice is received in the Secretariat. Notices received after 10.30 a.m. on the last date of the week on which the House sits are considered to have been received for the day on which the next sitting of the House is to be held. The validity of such notices lasts for the following week.

With a view to streamlining the procedure in regard to Calling Attention, the Chairman has issued directions, from time to time, which *inter alia* state that Member may give a maximum number of two notices for calling Attention for any one sitting. A Member who initiates a Calling Attention should not take more than 7 minutes. Other Members, who are called by the Chairman, should not take more than 5 minutes each and should restrict themselves strictly to seeking

clarifications on the Calling Attention and avoid making long speeches. Not more than one hour should be spent on a Calling Attention and, when there is Question Hour, the Calling Attention should conclude sharply at 1.00 p.m. Where a Calling Attention Notice stands in the name of a number of Members, in choosing Members who desire to seek clarifications, the first principle will be party/group. After exhausting the parties/groups whose members have given the notice by calling one Member from each party/group, the Chairman may call Members belonging to parties/groups not in the list.

The Chairman alone decides the admissibility of Calling Attention notices, subject to the rules as well as his judgement about whether the matter sought to be raised calls for an early statement from the Minister. Urgency and public importance of the subject matter are, therefore, two basic criteria for admission of notices of Calling Attention. The Chairman decides on merit depending on these two criteria and selects for admission one subject from amongst several notices given by Members for every sitting of the House.

There is no requirement under the rules to consult the Leader of the House or the Minister concerned in this regard. However, as per the prevailing practice, the Chairman may consult the Business Advisory Committee or the Minister of Parliamentary Affairs. It is quite possible that a matter for Calling Attention may not be taken up in the Rajya Sabha even if such a matter has been permitted in the Lok Sabha.

After the Chairman has admitted a notice, it is published in Parliamentary Bulletin Part-II and Ministry of Parliamentary Affairs as well as the concerned Ministry is informed. It is also sent for inclusions in the List of Business for the concerned date. In a number of rulings from the Chair, it has been made clear that to admit or reject a Calling Attention notice is the prerogative of the Chair. Admission or non-admission of a Calling Attention notice is not to be questioned and the Chairman is also not bound to give any reasons for his decision in the matter. If a Calling Attention notice is disallowed, Members cannot raise the question in the House but can discuss it with the Chairman in his Chamber.

Priority in preparing the list of notices is decided according to the time of receipt. However, the Chairman, at his discretion, may admit any of the notices submitted by the Members. Normally, a Calling Attention is admitted two or three days before the day on which the attention of the concerned Minister is to be called, so that the Minister may prepare himself for making a statement. As mentioned earlier, no Member is permitted to give more than two such notices for any one sitting and not more than one such matter is raised at the same sitting. In the event of more than one matter being presented for the same day,

priority is given to the matter which is, in the opinion of the Chairman, more urgent and important. Taking up of Calling Attention notices depends on the status of business in the House. Generally not more than two or three Calling Attention notices are listed per week.

If a Member against whose name a Calling Attention notice is listed, is absent, the Member listed below him, if any, is called. At this stage, he does not ask for any clarification.

The language of the Calling Attention, as submitted by the Member, is usually substantially retained although the Chairman has the right to reframe a Calling Attention notice. The Chairman may also transfer or allocate a notice to a Minister other than the one to whom the original notice is addressed by the Member, if considered appropriate.

It may be mentioned that when Ministers make statements *suo motu* on matters of public importance and the Chairman admits a Calling Attention notice on the same subject subsequently, the Minister does not have to make the statement again in response to the Calling Attention. The statement already made forms the basis of discussion on the Calling Attention. However, on certain occasions, the Minister has made a fresh statement in response to the Calling Attention.

On many occasions, in view of the importance of the subject and consensus or demand in the House, a Calling Attention has been converted into a full-fledged discussion after the concerned Minister made a statement in response to the Calling Attention notice. Such a discussion has taken place on the same day on which the Calling Attention was raised or on the next or a subsequent day.

There are several examples of more than one Calling Attention Notices being admitted and raised on the same day. In such cases, the notices containing matters, which are more urgent and important, were taken up first. The other notices were taken up thereafter.

Due to pressing business in the House or the request of the concerned Minister, the Calling Attention scheduled for a particular day may be deferred to some other time on the same day or a subsequent day. In such a situation, it does not find a place in the Revised List of Business, whenever it is issued. Accordingly, the House is apprised of the matter.

Calling Attention Notices on *sub judice* matters have been admitted by the Chairman, who, on an occasion, had ruled that "Calling Attention is not a

Motion. It does not involve discussion. Those who are calling the attention of the Government want to know from Government what are the facts and what is the position of the Government ... No discussion is involved. In a Calling Attention, only questions are put for clarification from Government." There has been an example of Calling Attention on a *sub judice* matter in which the concerned Minister, while making the statement said "I am not going to say anything beyond my statement ... because the matter is *sub judice*. I will request the Hon'ble Members not to insist on it."

SHORT DURATION DISCUSSION

One of the important parliamentary devices available to Members to draw the attention of the Government to matters of urgent public importance is to raise a discussion of Short Duration without a formal motion or vote thereon. Rule 176 of the Rules of Procedure and Conduct of Business in the Council of States empowers a Member to give notice of Short Duration Discussion for raising discussion on a matter of urgent public importance. The notice may be given to the Secretary-General specifying clearly and precisely the matter to be raised (**Annexure III**).

Notice may be given at any time after the issuance of summons to Members and should be supported by the signature of at least two other Members. The Notice is required to be accompanied by an explanatory note stating reasons for raising discussion on the matter in question.

The Chairman decides the admissibility of the notice. If an early opportunity is otherwise available for discussion of the matter, the Chairman may refuse to admit the notice. Under rule 177, the Chairman satisfies himself that the matter is urgent and is of sufficient public importance after obtaining such information from both the Members who have given the notice and the Minister, who is concerned with that issue. He then takes the decision to admit the notice and, in consultation with the Leader of the Council, fixes the date on which that matter may be taken up for discussion within a time frame not exceeding two and a half hours. After a notice is admitted and a date fixed for its discussion, the item is included in the List of Business for that date.

As per rule 178, the discussion takes place without any formal motion and is not subjected to voting. The Member, who has given notice, may make a short statement and, thereafter, any Member who has previously intimated to the Chairman may be permitted to take part in the discussion. At the end, the Minister gives a short reply. The Member who initiates the discussion has no right of reply.

Under rule 179, the Chairman may, if he thinks fit, prescribe a time limit for the speeches of the participants in the Short Duration Discussion. As per practice and precedents, ordinarily, in the meeting of the Business Advisory Committee (BAC), the Chairman identifies the subject to be taken up for Short Duration Discussion and the date on which it is to be scheduled. The concerned Minister/Ministry and the Ministry of Parliamentary Affairs are also informed about the admission and the scheduled date for discussion in the House.

The total time of two and a half hours is allocated among various political parties, nominated/independent Members in proportion to their strength/numbers in the Council. There have been numerous instances when the discussion has far exceeded the time of two and a half hours allotted for the purpose in view of the importance of the subject. On some of these occasions, a higher time limit was approved by the BAC.

The names of Members are arranged in the List of Business according to the point of time of receipt of their notices. The names include those of supporting Members. Generally, the Member whose name appears first in the List of Business initiates the discussion. Sometimes, the party to which the Member belongs gives the name of another Member to initiate the discussion, irrespective of the fact whether or not that Member had given a notice on the subject under discussion.

There have been instances when notices of motions given by Members under rule 168, read with rule 167, to discuss a matter of general public interest, were converted into Short Duration Discussion (Rule 176) on the basis of a decision taken either in leaders' meeting or in the meeting of Business Advisory Committee. Thereafter, the Motion was dispensed with and the subject was discussed in the form of a Short Duration Discussion.

Whether a matter should be discussed by way of a motion under rule 167 or a short duration discussion under rule 176, sometimes becomes crucial and contentious. The Rajya Sabha does not have a procedure for moving of an adjournment motion, censure motion or no-confidence motion against the Government. Apart from a private members' resolution, moving of a motion under rule 167 is the only procedure where the House can record its opinion and Members can move amendments to such a motion which may be put to the vote of the House and even adopted. While the opposition may have its own reasons to employ the device under rule 167 (to embarrass or criticise the Government), the Government may view it as a sort of adverse vote. Notwithstanding the controversies, there is a growing trend to discuss important matters by way of Short Duration Discussion.

There is also a ruling of the Chair that a motion admitted under rule 170 can be listed for discussion under rule 176 according to practices and conventions of the House.

HALF-AN-HOUR DISCUSSION

Rule 60 of the Rules of Procedure and Conduct of Business in the Council of States provides the procedure for raising a Half-an-hour Discussion. It provides that the Chairman shall allot half-an-hour, from 5 p.m. to 5.30 p.m., on any day for raising discussion on a matter of sufficient public importance, which has been the subject of a recent question in the House and the answer to which needs elucidation on a matter of fact. The Chairman decides whether the matter is of sufficient public importance to be put down for discussion.

A Member wishing to raise a discussion has to give notice in writing in the standard printed form (**Annexure IV**) three days in advance of the day on which the matter is desired to be raised, and has to briefly specify the point or points that he wishes to raise. The notice period may, however, be waived by the Chairman with the consent of the Minister concerned. The notice should be accompanied by an explanatory note stating the reasons for raising the discussion on the matter in question. The notice is also required to be supported by the signatures of at least two other Members. If more than two notices have been received and admitted by the Chairman, a draw of lots is held with a view to select two notices and the notices are put down in the order in which they were received in time. When the notice is found to be in order, a copy of the notice is sent to the concerned Ministry for seeking its comments on it. The admissibility of the notice is carefully examined in the light of the information or factual note received from the Ministry.

Half-an-hour Discussion is permitted on any day by the Chairman. The date for scheduling/listing the discussion is determined keeping in view the convenience of the Member who gave the notice, the Minister and the business before the House. When a notice is to be put down for discussion, the Ministry concerned is informed accordingly. In the Lok Sabha, it is normally held on three sittings in a week, namely, Monday, Wednesday and Friday. However, during the Budget Session, normally, not more than one Half-an-hour Discussion is put down in a week till the disposal of Financial Business. In the Lok Sabha, not more than one Half-an-hour Discussion is put down in the name of any individual Member per week, subject to the condition that a Member shall not raise more than two Half-an-hour Discussions in the same session. However, no such limitation is prescribed in the case of Rajya Sabha.

There is neither a formal motion before the House nor voting. The Member, who has given notice, may make a short statement and the Minister concerned then replies. Any Member, who has previously intimated to the Chairman, may also be permitted to put a question for the purpose of further elucidating any matter of fact. If the Member, who has given notice, is absent, any Member who has supported the notice, may, with the permission of the Chairman, initiate the discussion. However, in the Lok Sabha, if the Member in whose name a Half-an-hour Discussion is put down in the List of Business is absent, discussion is not taken up. The Speaker has, on request postponed the discussion to some other day, either when the Member concerned is unavoidably absent on the day the Half-an-hour Discussion is scheduled to be held or at the request of the Minister or if the House so decides.

The time allotted for Half-an-hour Discussion is 30 minutes. Normally it is held from 5.00 p.m. to 5.30 p.m. All admitted notices for such discussion are taken up during this time frame. However, a Half-an-hour Discussion can begin before 5.00 p.m., provided the business of the House scheduled to be transacted gets completed before that time. The Chairman has the prerogative to determine the time at which the discussion can be taken up. There are several instances when Half-an-hour Discussions exceeded half-an-hour time frame and lasted more than a few hours. If a Half-an-hour Discussion scheduled for a particular day is not disposed of on that day, it is included in the List of Business for the next available day, with the consent of the concerned Member. But in any case, not more than two such discussions are listed on any day. In the Lok Sabha, an item for discussion on a particular day and not disposed of on that day is not set down for any other day, unless the Member so desires.

However, Member(s), wishing to participate during the course of the discussion, are also generally permitted by the Chair. In the Lok Sabha, not more than four Members, who have previously intimated, are permitted to ask questions. However, no limitation on the number of Questions during Half-an-hour Discussion is stipulated in the Rajya Sabha. The Chair has stressed that the members, while seeking clarifications, should ask pointed questions.

When Half-an-hour Discussion is interrupted for want of quorum or when there is no time for the Minister to give a full reply to the debate, the Minister may, with the permission of the Chair, lay a statement on the Table of the House.

If an admitted Half-an-hour Discussion, either included or not included in the List of Business, could not be taken up due to paucity of time or for any other reason, the notice stands lapsed with the conclusion of the Session.

MOTIONS ON MATTERS OF PUBLIC INTEREST

The general rule is that no discussion on a matter of general public interest can take place except on a motion made with the consent of the Chair. Notice of a motion is required to be given in writing addressed to the Secretary-General. A Member can give any number of notices and the notices remain valid for the entire Session. Priority of notices is decided according to the time of receipt.

Conditions of Admissibility

Conditions of admissibility of notices are prescribed under rule 169 of the Rules of Procedure and Conduct of Business in the Council of States. In order for a motion to be admissible, it should satisfy the conditions namely, it should raise substantially one definite issue; should not contain arguments, inferences, ironical expressions, imputations, or defamatory statements; should not refer to the conduct or character of persons except in their public capacity; should be restricted to a matter of recent occurrence; should not raise a question of privilege; should not revive discussion of a matter which has been discussed in the same session; should not anticipate discussion of a matter which is likely to be discussed in the same session; should not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India; should not seek discussion on a paper or document laid on the Table by a private member; should not ordinarily relate to matters which are under consideration of a Parliamentary Committee; should not ask for expression of opinion or the solution of an abstract legal question or of a hypothetical proposition; should not relate to a matter which is not primarily the concern of the Government of India; should not raise matter under the control of bodies or persons not primarily responsible to the Government of India; should not relate to a matter with which a Minister is not officially concerned; should not refer discourteously to a friendly foreign country; should not relate to or seek disclosure of information about matters which are in their nature secret such as, Cabinet discussions or advice given to the President in relation to any matter in respect of which there is constitutional, statutory or conventional obligation not to disclose information; and should not relate to a trivial matter.

Chairman to decide Admissibility

Rule 170 stipulates that the Chairman decides on the admissibility of a motion and may disallow a motion or a part thereof when, in his opinion, it does not comply with the rules.

Rule 171 provides that if the Chairman admits notice of a motion and no date is fixed for its discussion, it is notified in the Bulletin with the heading

'No-Day-Yet-Named Motion'. If a private member's motion is admitted and thereafter notice of a Government motion on the same subject is received, the Government motion is also admitted. If it is decided to have a discussion on that subject by way of a motion, the Government motion gets precedence over private member's motion, as 'No-Day-Yet Named Motions' are discussed in the time available for transaction of Government business. There have been rulings from the Chair reiterating that fixing time and date for discussion for a 'No-Day-Yet-Named Motion' rests with the Chairman. There is another ruling from the Chair that time for discussion of a 'No-Day-Yet-Named Motion' will not be given if the Government does not agree to have a discussion on the subject. The rules, however, do not prescribe any particular form of a motion to raise a discussion on a matter of public importance.

As per rules, the Chair may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion. However, as per the practice, it is the Business Advisory Committee which selects the motions and recommends allotment of time for their discussion. An item in the List of Business about the admitted motion is shown in the names of all Members from whom notices are received.

While rule 172 deals with allotment of time for discussion of any such Motion in consultation with the Leader of the Council, rule 173 empowers the Chairman to put the question at the appointed time to determine the decision of the Council. The first Member or, in his absence, the second one and so on, when called by the Chair, moves the Motion and makes his speech. There is no provision in the rules to authorise another Member to move a motion on behalf of the Member in whose name the motion stands in the List of Business. If the first Member in whose name the motion stands in the List is absent or does not want to move the motion, the second or the third Member and so on, if any, whose name appears in the List of Business is called to move the motion. There are instances when the first Member, in whose name the motion stood, did not initiate the discussion. In that case, some other member belonging to that party, whether his name appeared in the List of Business or not, was allowed to raise the discussion, as per understanding reached amongst various parties/groups. After the Member has moved the motion, the Chair places the Motion before the House. Amendments, if any, are moved at that stage and discussion follows. After the Members and the Minister concerned have participated in the debate, the mover of the Motion may reply. The amendments are then put to the House and disposed of. The main Motion is then put to vote. Rule 174 prescribes that

the Chairman may put a time limit for speeches to be delivered at the time of discussion on such motions.

Repetition and Withdrawal of a Motion

The general rule regarding motions is that a motion must not raise a question substantially identical to the one on which the House has already given a decision in the same session. If, however, the House desires to raise an identical question discussed earlier in the same session, the rule has to be suspended. A Member, who has made a motion, can withdraw it only by leave of the House. The leave is signified not upon putting a question but by the Chairman taking the sense of the House. If any dissenting voice is heard or a Member rises to continue the debate, the Chairman forthwith puts the original motion to vote. If any amendment has been proposed to the motion, the original motion cannot be withdrawn until the amendment has been disposed of or is withdrawn by leave of the House.

Dilatory Motion

At any time, after a motion has been made, a Member may move that the debate on the motion be adjourned. If the Chairman is of the opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon from the Chair or decline to propose the question.

Amendments

An amendment is a subsidiary motion moved in the course of debate upon another motion, which interposes a new cycle of debate and decision between the proposal and decision on the main motion and question. The object of an amendment is either to modify a question before the House with a view to increasing its acceptability or to present to the House a different proposition as an alternative to the original question. An amendment must be relevant to and within the scope of the motion to which it is proposed. An amendment which has merely the effect of a negative vote is not admissible. An amendment on a question should not be inconsistent with a previous decision on the same question. An amendment is generally moved in the form of a proposal either to insert certain words in the motion, or to omit certain words or substitute certain words for the words in the original motion.

Notice of an amendment to a motion is to be given at least one day before the day on which the motion is to be considered, unless the Chairman allows the amendment to be moved without such notice. The Chairman may refuse to put an amendment which in his opinion contravenes the rules. The Chairman has

also power to select the amendments to be proposed, any may, if he thinks fit, call upon any Member, who has given notice of an amendment, to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

Government Motions

Like private members, Ministers also move motions on matters of general public interest. Generally, these are either for the purpose of considering important reports, such as, reports of the UPSC, Commission for SC/ST, UGC or any other Commission or for the purpose of discussing such matters as the price situation or appointment of a Select Committee of the House, etc. Apart from these, there have been some important Government motions which have been discussed in the Rajya Sabha. Amendments to a motion may also be moved and the Government motion may be adopted in an amended form. However, amendments should normally be moved immediately after a motion is made and not after the debate has commenced. On a number of occasions, certain important subjects/papers have been discussed on the basis of Government motions and, at the end, Government motions have been adopted.

Statutory Motions

Motions tabled in pursuance of a provision in the Constitution or an Act of Parliament are termed 'statutory motions'. Notice of such a motion may be given either by a Minister or a private Member. The typical statutory motions which are moved frequently by Ministers relate to the elections of Members of the House to various statutory bodies. Acts of Parliament, which confer power upon the Central Government to make rules etc., also provide that the rules shall be subject to modification or annulment as Parliament may make within the prescribed period. Members move motions in pursuance thereof and the time for the purpose is made available from the time available for Government business. A motion adopted by the House is required to be concurred in by the other House to make it binding, as stipulated in the rule laying clause in a statute.

RESOLUTIONS

Most of the business in Parliament is transacted by means of motions. After a matter has been discussed, the motion is put to the vote of the House, which is technically known as putting the question. "The decision which the putting of the question has thus elicited turns the motion into a resolution or order³". Every question, when agreed to, assumes the form either of an order or

³ Campion, *An Introduction to the Procedure of House of Commons*, McMillan and Co. Ltd., London, 3rd Edition, 1958, p. 172.

of a resolution of the House. By its resolutions, the House declares its own opinions and purposes⁴.

Any Member may, subject to the rules, move a resolution in the Rajya Sabha relating to a matter of general public interest. Resolutions may be categorised as: private members' resolutions, Government resolutions and statutory resolutions. To the first category belong resolutions which are moved by a Member, other than a Minister, on an allotted day; in the second category fall resolutions which are moved by Ministers; and the last category covers resolutions which are moved in pursuance of a provision contained in the Constitution or an Act of Parliament.

Form

A resolution may be in the form of a declaration of opinion by the House or in such other form as the Chairman may consider appropriate, such as, in the form of expression of concern on a situation, urging reversal, change, review, reformulation of a policy, urging for a legislation or Constitution amendment or drawing urgent attention to a matter of public interest or making appeal to international community on a subject, and so on.

Private Members' Resolutions

Ordinarily, two and a half hours of a sitting on alternate Fridays are allotted for the discussion of private members' resolutions. The Chairman may, in consultation with the Leader of the House, allot any day, other than a Friday, for the purpose. If there is no sitting of the House on a Friday, the Chairman may direct that two and a half hours on any other day in the same week may be allotted for the purpose. A Member, who wishes to move a resolution on a day allotted for private members' resolutions, has to give a notice to that effect two days before the date of draw of lot. The draw is held about three weeks prior to this date in the Secretary-General's room. A separate draw is held for each allotted day. The date and the time for holding the draw are intimated to Members through a paragraph in Bulletin Part-II before the commencement of the Session. The names of Members from whom such notices are received are drawn by lot. Members who secure the first five places in the draw are informed of the result of the draw individually in writing and they are eligible to give one resolution each within ten days of the date of draw of lot. Those resolutions, if admitted by the Chairman, are put down in the List of Business in the order determined by the draw of lot.

⁴ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Butterworths, London, 21st Edition, 1989, p-359.

Conditions of Admissibility

The admissibility of a resolution is subject to certain conditions: (i) it should be clearly and precisely expressed; (ii) it should raise substantially one definite issue; (iii) it should not contain any argument, inferences, ironical expressions, imputations or defamatory statements; (iv) it should not refer to the conduct or character of persons except in their official or public capacity; and (v) it should not relate to a matter which is under adjudication by a court of law having jurisdiction in any part of India.

Chairman to decide Admissibility

The Chairman decides on the admissibility of a resolution and may disallow a resolution or a part thereof when in his opinion it does not comply with the rules. Admitted resolutions are first published in the Bulletin Part-II for the advance information of Members and Ministers.

Moving of Resolution

The Member in whose name a resolution stands in the List of Business, when called on, moves the resolution and makes a speech thereon, in the terms of the motion appearing in the List of Business. Thereafter, amendments, if any, are moved to the resolution. Other Members and the Minister concerned may then speak on the resolution. The mover of the resolution has the right of reply. If the Member, when called on, is absent any other Member, authorised by him in writing may, with the permission of the Chairman, move the resolution standing in his name.

Time Limit

The Business Advisory Committee is empowered to allot time for discussion on a private member's resolution. The maximum time limit for discussion on a private member's resolution is two hours. The mover of the resolution, when moving the same and the Minister concerned, when speaking for the first time, may speak for thirty minutes or for such longer time as the Chairman may permit. Other Members may take fifteen minutes each.

Resumption of Adjourned debate on Private Members' Resolutions

When the debate on a private members' resolution is adjourned *sine die*, the mover of the resolution may, if he wishes to proceed with such resolution on a subsequent day allotted for private members' resolutions, give notice for resumption of the adjourned debate and on receipt of such notice such a resolution has precedence over other resolutions set down for that day. When on a motion

being carried, the debate on a private member's resolution is adjourned to the next day allotted for private members' resolutions in the same or next session, it is not set down for further discussion unless it has gained priority in the draw of lot. Accordingly, unless a motion is moved or the House agrees by consensus, the resolution which remains inconclusive is not automatically carried forward to the next session. The discussion remains inconclusive and the resolution lapses at the end of that session.

When a resolution has been moved in the House, one of these contingencies may arise: It may be adopted, it may be negatived, it may be withdrawn, it may be talked out (*i.e.*, remain inconclusively discussed without being adopted, negatived or withdrawn), or the debate thereon may be adjourned to be resumed later.

Amendments

After a resolution has been moved, any Member may, subject to the rules relating to resolutions, move an amendment to the resolution. If notice of such amendment has not been given one day before the day on which the resolution is moved, any Member may object to the moving of the amendment, and such objection prevails, unless the Chairman allows the amendments to be moved. Lists of amendments, of which notices have been received, are circulated to Members from time to time.

Scope of Discussion and Right of Reply

The discussion on a resolution must be strictly relevant to and within the scope of the resolution. The mover of the resolution has the right of reply. In the absence of the mover, the resolution is put to vote for taking a decision thereon.

Putting and Splitting of Resolution

As already stated, a resolution moved is either adopted, negatived, withdrawn, postponed or talked out. Any of the first three contingencies takes place when the Chair puts the resolution to the House at the end of discussion. When any resolution involving several points has been discussed, the Chairman may divide the resolution, and put each or any point separately to the vote, as he may think fit. The Chairman may also amend the resolution factually before putting it to the House.

A resolution can be moved by a Member or Minister on a matter of general public interest. While there is no fixed day allotted for moving a resolution by a Minister, a private member can move a resolution only on an allotted day.

Withdrawal of Resolution

A member, in whose name a resolution stands on the List of Business may, when called on, withdraw the resolution in which case he shall confine himself to a mere statement to that effect. A member, who has moved a resolution or amendment to a resolution, can withdraw the same only with the leave of the House. If a resolution, which has been admitted, is not taken up for discussion in the House during the session, it shall be deemed to have been withdrawn.

Lapsing of Resolution

In case of Government resolution, if the discussion on a resolution is not concluded on the allotted day, it is carried on to the next allotted day in the same session. If there is no other day allotted for the private members' resolution in the same session, then the part discussed or inconclusively discussed resolution lapses at the end of the session and it is not carried forward to the next session, unless the House decides otherwise which is rarely done.

Repetition of Resolution

When a resolution has been moved, no resolution or amendment raising substantially the same question can be moved within one year from the date of the moving of the earlier resolution. When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question shall be moved during the same session.

Government Resolution

There are no separate rules regulating the procedure for Government resolutions. Government resolutions are distinguishable from private member's resolutions in two respects, namely, the origin and the ballot. Government resolutions are moved by Ministers and are not subject to ballot like private member's resolutions. The Government resolutions may be taken up on any day allotted for transaction of Government business. Though no period of notice has been prescribed for Government resolutions, in actual practice notices of such resolutions are given much in advance of the date on which the resolutions are included in the List of Business. These resolutions, after admission, are also published in Bulletin Part-II. The time for discussion of Government resolutions is also recommended by the Business Advisory Committee, and the date therefor is fixed in consultation with the Leader of the House.

Approved Resolution

A copy of every resolution, which has been passed by the House, is forwarded to the Minister concerned.

MOTION OF THANKS ON THE PRESIDENT'S ADDRESS

The Constitution provides for President's Address to both Houses of Parliament assembled together or either House of Parliament under article 86 and article 87. Whereas article 86 gives right to the President to address either House of Parliament or both Houses of Parliament assembled together, article 87 makes it incumbent upon the President to address both Houses of Parliament assembled together at the commencement of the first Session after each General Election to the Lok Sabha and at the commencement of the first Session of each year. As provided under clause (2) of article 87 of the Constitution, provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in the President's Address.

Rules 14 to 21 of the Rules of Procedure and Conduct of Business in the Council of States deal with the President's Address. Rule 14 provides that the Chairman, in consultation with the Leader of the Council, shall allot time for the discussion of the matters referred to in the President's Address. Rule 15 stipulates that on the allotted day the Council shall be at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a Member and seconded by another Member. The motion is generally worded as follows:

"That the Members of the Rajya Sabha assembled in this session are deeply grateful to the President for the Address which he/she has been pleased to deliver to both Houses of Parliament assembled together on..."

As per the practice, at the sitting of the two Houses so held under article 87, a copy of the President's Address is laid, on the day on which it is delivered, on the Table by the Secretary-General of the House to bring the Address on record of the House. Immediately, thereafter the copies of the Address in Hindi and English are made available to Members.

Members are informed about the date, time and the venue of the President's Address, the procedure regarding supply of copies of the President's Address and the dates of discussion on the Address, as informed by the Ministry of Parliamentary Affairs, through a paragraph in a Parliamentary Bulletin Part-II.

The discussion on the President's Address is initiated in the House on a Motion of Thanks moved by a Member and seconded by another Member belonging to the ruling party. Members who are to move and second the Motion are selected by the Prime Minister and notice of such a Motion is received through the Ministry of Parliamentary Affairs. The notice of Motion is immediately put up for admittance and, after approval by the Secretary-General, it is notified in the Parliamentary Bulletin Part-II for information of Members.

The Business Advisory Committee allots time for discussing the Motion of Thanks and the time is proportionately allotted to various political parties according to their strength in the House. The Leaders of the Parties give the list of speakers to the Secretary-General in respect of their Parties and a record is maintained during the discussion of the time taken by each speaker. Generally, three days are allotted for the discussion. On the days allotted for the discussion, the House is at liberty to discuss the matters referred to in the Address. The Motion of Thanks is essentially a Government Motion and, therefore, discussion on the Motion is taken up in the time allotted for transacting Government Business.

After the mover of the Motion and seconder to the Motion have spoken and the Motion has been moved, amendments to Motion are moved. Rule 16 concerning amendments prescribes that amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Chairman. For this purpose, the Chair calls the names of Members in accordance to the key to notices of amendments and the concerned Members rise in their place and say that they move their amendments. Even at that stage the Chair has the discretion to rule any amendment out of order even though it has been circulated to the Members. The Chair may permit amendments to be moved only after deletion of the objectionable parts thereof. Thereafter, discussion is continued by a Member of the principal opposition party and followed by other parties, in the descending order and their strengths and by rotation, applicable to the list of speakers.

It may be mentioned that amendments moved by Members to the Motion of Thanks on the President's Address must be relevant to the main Motion, *i.e.* amendments should be related to the topics mentioned in the Address. Several rulings have been given by the Chair to this effect. The Amendments, generally, are given in the following format:

"That at the end of the Motion, the following be added, namely: 'but regrets that the Address does not mention/fails to mention/does not take note of' ...etc."

The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. In such cases, the Chairman forthwith puts the question, no amendment or debate being allowed.

Rule 18 dealing with Government's right of reply to the points discussed provides that the Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, on behalf of the Government, has a general right of explaining the position of the Government at the end of the discussion. As a matter of convention, the Prime Minister gives the reply and, in his absence, the Leader of the House may do so.

Rule 19 refers to the time limit for speeches and mentions that the Chairman may, if he thinks fit, prescribe, after taking the sense of the Council, a time limit for speeches.

Members can seek clarifications after the Prime Minister's reply to the debate. This was made clear by another ruling of the Chair. On 25 February 1981, after the Prime Minister's reply to the debate on the Motion of Thanks on the President's Address, Smt. Purabi Mukhopadhyay wanted to seek a clarification. At this, Dr. Rafiq Zakaria raised a point of order saying that no clarification be permitted after the Prime Minister had already replied since if one was allowed to ask clarification then others could not be restrained from speaking. The Deputy Chairman observed:

"...What you say is quite correct. But the Hon'ble Member should appreciate this. There has been a thorough discussion. But still she has the right. I cannot deny. Not all can be permitted."

Members are also not allowed to seek clarifications from the Member who is making his speech. After the discussion on Motion of Thanks is over, first the amendments to the Motion are disposed of. The amendments are generally withdrawn by the concerned Member by leave of the House and occasionally, if the Member concerned presses for his amendment(s), the amendment(s) are put to vote of the House. As a matter of convention, the Motion of Thanks to the President's Address is generally adopted without any amendment. However, on three occasions, the Motion of Thanks was adopted in an amended form *viz.*, in the year 1980, 1989 and 2001. After the disposal of the Amendments the Motion is put to the vote of the House.

After the Motion of Thanks is adopted, it is conveyed to the President by the Chairman through a letter. In reply to the Chairman's letter, the President acknowledges the receipt of the same conveying that he/she has received with great satisfaction the expression of thanks by the Members of Rajya Sabha for the address which he/she delivered to the both Houses of Parliament assembled together. This message is read out to the House by the Chairman if the House is in Session, otherwise, the message is notified in the Parliamentary Bulletin Part-II for information of the Members.

DISCUSSION ON BILLS

One of the core functions of Parliament is to make laws. Parliament has devised elaborate legislative procedure which provides ample opportunity to Members to participate in the discussion on Bills and their passage in Parliament. All legislative proposals have to be brought in the form of Bills before Parliament. A Bill is a statute in draft and no Bill, whether it be introduced by the Government or a private member, can become law until it has been passed by both the Houses of Parliament and has received the assent of the President.

Bills may broadly be classified into two categories — Government Bills and Private Members' Bills. A Government Bill is piloted by a Minister and a Private Members' Bill by a Member who is not a Minister. Subject to the provisions of the Constitution, a Government Bill, except a Money Bill, may originate in either House of Parliament.

The Rules of Procedure and Conduct of Business in the Council of States provide for introduction and consideration of a Bill. After introduction of a Government Bill, a notice is given by the Member-in-charge of the Bill for its consideration and passing/return. The Bill is, thereafter, listed for consideration and passing/return in the List of Business as proposed by the Ministry of Parliamentary Affairs. In the case of Private Members' Bills, the Member gives prior notice for inclusion of his name in the single draw of lot for the days allotted for the Private Members' Bills in the Session, and his/her Bills arranged in order of priority. Private Members' Bills are accordingly included in the List of Business.

Rule 61 of the Rules of Procedure and Conduct of Business in the Council of States prescribes: "The Chairman on a request being made to him may order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again."

In case any modification is affected in the Bill which has been published then a Motion for leave to introduce it has to be moved again.

Rule 67 of the Rules of Procedure and Conduct of Business in the Council of States prescribes: "If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the Member who moves and from the Member who opposes the motion, may, without

further debate, put the question: Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon."

The usual practice is that the Rajya Sabha considers only those Bills which have been allotted time by the Business Advisory Committee. When a Bill which has not been allotted time by the Business Advisory Committee is included in the List of Business, Members may raise a point of order that the consideration of the Bill in the House was not as per the settled practice. For a Private Members' Bill, the standard time of two and a half hour is allotted, though not normally adhered to.

On the appointed day, the Chairman calls the Minister/Member-in-charge in whose name the Bill stands in the List of Business to move a motion that the Bill be taken into consideration. If the Minister in whose name the Bill is listed in the List of Business is absent from the House on that day, his Deputy or any other Minister authorized by the Minister in whose name the Bill stands, may move the motion on his behalf. After the Minister/Member-in-charge has moved the motion and spoken on it, discussion on the Bill commences. At this stage, only the principles underlying the Bill and its provisions are discussed in general.

After the Members, whose names have been given by the Leaders/Whips of various parties/groups in Rajya Sabha, have participated in the discussion, the Minister/Member-in-charge of the Bill replies to the debate and the motion is put to the vote of the House. After the motion for consideration of the Bill is adopted, clause-by-clause consideration of the Bill is taken up. When all the Clauses and Schedules, if any, of the Bill have been considered and voted upon by the House, the Minister/Member-in-charge of the Bill moves that the Bill be passed/returned. Thereafter, the motion moved by the Minister/Member-in-charge that the Bill be passed/returned, is voted upon by the House and the Bill is passed/returned. In case, any amendment is adopted, the Bill, as amended, is passed.

As per the established practice, a Member from the Opposition party having largest numerical strength in the House is called upon to speak on the Bill after the Minister/Member-in-charge has moved the motion for consideration of the Bill. Therefore, the Members, whose names have been received in advance from different parties/groups are called, by rotation starting with the treasury bench, keeping in view the numerical strength of parties/groups, to participate in the discussion on the Bill. A list of speakers on the Bill is prepared on the basis of names received from different parties/groups or individual Members from smaller parties, and nominated/independent Members by the Table Office and is

made available to the Chair. However, Chair is not bound by such list. The list of speakers is for the Chair's guidance only and it is always open to him to make changes therein, whenever he considers it necessary.

There have been instances, when on the discussion on the Bill, after the Minister has moved for consideration of the Bill, a Member from the treasury benches was called by the Chair, who took part in the discussion instead of Member from the opposition benches. Thereafter, Members from other parties/groups as per the numerical strength in descending order participated in the debate. There have also been instances when on the motion for consideration of the Bill, because of the consensus arrived at the meeting of leaders of political parties/groups, the Bill has been passed/returned without discussion.

Absence of the mover of the Private Member's Bill in the House need not put an end to the discussion on that Bill.

On 1 February 1980, when the discussion on a Private Member's Bill was in progress and the mover of the Bill, Shri Bhupesh Gupta, was absent from the House, Dr. Ramkripal Sinha raised the question whether the House could proceed with the discussion when the mover of the Bill was not present in the House. He stated that the Members participating in the debate had the right of a reply from the mover of the Bill and since he was not present in the House, he could not reply to the Member. He sought the Chair's ruling on the question whether the House could proceed with the Bill. The Deputy Chairman observed:

"I think a very clear point has been raised. I think the point is whether in the absence of the person who has introduced the Bill or the Member in-charge of the Bill, we can proceed with the discussion. Well, one way would be that since the House is seized of the Bill, the only way in which it could be disposed of is by a vote of the House and motion. Even if the Minister or the member is not there, the House has to say that the Bill is rejected or the motion in regard to the Bill at this stage is accepted or not accepted. So, we have two courses open before us. One is to immediately proceed with those questions and put those questions and decide the fate of the Bill at this stage. Another course is that since the House is seized of the Bill and there are some Members who are interested in speaking, we hear them and then proceed on with what the procedural requirements are."

There is yet another ruling from the Chair that a Private Member's Bill can be discussed in the absence of the mover, if the Bill had already been moved.

On 17 August 1995, when further discussion on a Private Member's Bill was in progress, Shri V. Narayanasamy raised a point of order and questioned the validity of taking up a Bill for discussion in the absence of the mover of the Bill. Shri V. Narayanasamy contended that the Member was not present to reply to the questions raised by other Members and that the Minister could speak only after the mover had replied to them. Ruling out the point of order raised by Shri V. Narayanasamy, the Vice-Chairman gave the following ruling:

"So far as the discussion on the Bill is concerned, it is not essential under the Rules, for the Member moving the Bill to be present in the House. Once the Bill is moved in the House and it is under discussion, it becomes the property of the House. So the House is competent to discuss the matter further. This discussion is valid and your point of order is hereby ruled out..."

The discussion on a Private Member's Bill, if not concluded in the current session, can be carried on to the next session.

After introduction of a Government Bill in the House, normal practice is to submit the Bill to the Chairman for its reference to the concerned Department-related Parliamentary Standing Committee for examination and report within three months. In a particular case, the Department-related Parliamentary Standing Committee (DPSC) may be advised to give its report within a shorter period. On the other hand, the Department-related Parliamentary Standing Committee may seek more than the originally allotted time to submit its report.

After a Bill is introduced in the Rajya Sabha, Member-in-charge of the Bill may subsequently move that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses.

If a Bill has been referred to a Selected Committee of the Council or the Joint Committee of the Houses, and that Committee has presented its report to the House, the House will then consider the Bill as reported by the Select Committee or the Joint Committee and the notice for consideration and passing of the Bill, along with notice of amendments, if any, shall accordingly be given by the Minister.

If a Bill is such which involves expenditure from the Consolidated Fund of India, and a Financial Memorandum to that effect is appended to the Bill, it will be mandatory for the Minister-in-charge to communicate President's recommendation under article 117(3) of the Constitution.

When a notice of amendments is given by the Minister, amendments are examined and prepared for circulation to Members. Notice of amendments can also be given by private members, which are processed in the same manner. The notice(s) for amendments by the Minister or the Member(s) are required to be given a day before the Bill is expected to be taken up for consideration and passing (Rule 95).

Conditions of Admissibility of Amendments

Rule 96 of the Rules of Procedure and Conduct of Business in the Council of States prescribes the following conditions which shall govern the admissibility of amendments:-

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be moved, which has merely the effect of a negative vote.
- (iii) An amendment shall not be inconsistent with any previous decision of the Council on the same question.
- (iv) An amendment shall not be frivolous or be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (v) If an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.
- (vi) The Chairman shall determine the order in which an amendment shall be moved.
- (vii) An amendment may be moved to an amendment which has already been proposed by the Chairman.
- (viii) The Chairman may refuse to propose an amendment which in his opinion contravenes these rules.

Power of Chairman to Select New Clauses or Amendments

Rule 99 of the Rules of Procedure and Conduct of Business in the Council of States states that the Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any Member

who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it.

As per rule 108 of the Rules of Procedure and Conduct of Business in the Council of States, after the Bill is passed by the House, the Chairman is empowered to correct patent errors and make such other changes in the Bill as are consequential on the amendments adopted by the House.

Rajya Sabha Secretariat is responsible for obtaining the assent of the President to: (i) Bills originating in and transmitted by the Lok Sabha and passed without any amendments by the Rajya Sabha; and (ii) Bills originating in the Rajya Sabha and returned by the Lok Sabha with amendments and finally passed by the Rajya Sabha.

BUDGETS: GENERAL DISCUSSION

The President in respect of every financial year causes to be laid before both Houses of Parliament an 'Annual Financial Statement' or a statement of the estimated receipts and expenditure of the Government of India, which is popularly known as the Budget. The Budget is presented in two parts, *viz.* the Railway Budget relating to Railway finance and the General Budget relating to the financial proposals of the Government of India excluding Railways. A copy of the respective Budget is simultaneously laid on the Table of the Rajya Sabha. By convention, the Railway Budget and the General Budget are presented by the Railway Minister and the Finance Minister to the Lok Sabha in the third week of February and the last working day of February of each year, respectively.

The Rules of Procedure and Conduct of Business in the Council of States do not prescribe the procedure for general discussion on Budgets in detail. However, rule 182 provides that on a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council. The Chairman may, if he thinks fit, prescribe a time limit for speeches.

There is no mention in the Rules as to who will initiate the discussion on the Budgets in the House. A general item for discussion of the Budget is included in List of Business for the day it has been fixed. On the appointed day, Members participate in the discussion and the Finance/Railway Minister has a right to reply at the end of discussion. Members have a right to raise any point during discussion on the General Budget.

On the appointed day of discussion on the Budget (Railways and General), the Chair calls the name of the first Member from the main Opposition party to initiate the discussion on the Railway Budget and General Budget, as mentioned in the list of speakers, which includes the names of Members, who wish to participate in the discussion on the Budget (Railways and General) and is prepared on the basis of names received from the Leaders/Whips of various parties/groups or individuals from the smaller parties, and nominated/independent Members.

DISCUSSION ON THE WORKING OF THE MINISTRY/DEPARTMENT

The Demands for Grants are presented to Lok Sabha along with the Budget Statement. Thereafter, the two Houses adjourn for a fixed period to enable the Department-related Parliamentary Standing Committees to consider the Demands for Grants of the respective Ministries/Departments coming within their purview. When the Houses reassemble, the Rajya Sabha holds discussion on the functioning of some of the Ministries. There is no Rule in the Rules of Procedure and Conduct of Business in the Council of States for discussion on the working of a Ministry/Department in the House. However, a practice has developed in the Rajya Sabha to discuss the working of the Ministry/Department during the second part of the Budget Session.

The Ministries which are taken up for discussion are recommended by the Business Advisory Committee (BAC). The political parties, which would initiate the discussion on the working of the selected Ministries, are decided by the parties/groups through mutual consultation in the Business Advisory Committee, which also allocates the time for the discussion.

As per the current practice, the Chair calls the name of the Member in whose name the discussion stands in the List of Business to initiate the discussion. There are instances, when a general item for discussion on the working of the Ministry is included in the List of Business and the name of the Member, who has to initiate the discussion is not mentioned. In that case, the concerned party/group intimates the name of the Member before the commencement of the discussion in the House and the name of such Member is included in the List of Speakers. Accordingly, the Chair calls his/her name to initiate the discussion at the appointed time and then it proceeds like a Short Duration Discussion. Generally, a day is devoted to the discussion on a Ministry. The Minister concerned replies at the end and the discussion is concluded.

MOTION FOR MODIFICATION/ANNULMENT OF SUBORDINATE LEGISLATION

In order to exercise parliamentary control over delegated legislation, rules and regulations framed by the executive are required to be laid on the Table of both the Houses of Parliament to enable the Parliament to modify or annul it in case the subordinate legislation is felt by Parliament to be either inadequate or improper.

As per rule 210(1) of the Rules of Procedure and Conduct of Business in the Council of States, in case the Committee on Subordinate Legislation is of the opinion that any order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the Council. rule 210(2) states that if the Committee is of the opinion that any other matter relating to any order should be brought to the notice of the Council, it may report that opinion and matter to the Council.

All existing Central Acts today have laying provisions according to which all subordinate legislations framed under any Central Act by Government is required to be laid before both the Houses of Parliament. Once this is done, Members can exercise their right to modify/annul a subordinate legislation through a Motion.

The Statutory Rules and Orders made under the delegated powers of legislation and published in the Gazette are laid on the Table of the Rajya Sabha. The Orders are laid on the Table for a period of thirty days, which may spread over one session or two or more successive sessions. Members can move a motion for modification, annulment, etc. before the expiry of the session, immediately following the session in which laying period of 30 days is complete. For example, if a Statutory Order is laid in the Monsoon Session and the required period of 30 days is completed during the Winter Session, then, a Member can move a motion any time during the immediately following session, *i.e.* the Budget Session of the next calendar year. Any Member may give notice of a motion for an amendment to any rule, regulation, bye-law, etc. laid before the House within the time period specified for the purpose. The notice of the amendment must be in such form, as the Chairman may consider appropriate. The notice should be addressed to the Secretary-General and should specify the rule and sub-rule and the exact wording of the change proposed in each case.

Such motions, when admitted, are included in the Parliamentary Bulletin Part-II. The Chairman, in consultation with the Leader of the House, fixes a day for the consideration of amendments to such rules, regulations, bye-laws, etc.,

for which notices have been received and admitted. The item is then listed in the List of Business of that day in the name of the Member who has given the notice. When the item is called out by the Chair on the appointed day, the Member, in whose name the motion is enlisted, rises in his seat and says "I move that..." He may make a short speech in support of the motion. Then, other Members may, with the permission of the Chair, also participate. Thereafter, the Minister concerned with the subject matter intervenes, giving the viewpoint of the Government. The mover of a motion for amendment of rules, regulations, bye-laws, etc. has a right of reply. Thereafter, the Chairman puts the motion to vote, usually a voice vote.

The motion, if adopted by the House, is transmitted to the Lok Sabha for concurrence. In case concurrence is received, it is reported to the House from where the motion had originated and the Ministry is informed of the decision of the Parliament in this regard and the Rule/Regulation, etc. stands accordingly modified/annulled as the case may be. In case the motion is defeated in either House, the regulation remains unaffected. There have been several instances when Motions for modification/annulment have been listed and also discussed in the House. However, there has been no occasion when such a Motion given by private member was carried through in the Rajya Sabha. Therefore, there have been no instances of transmitting Statutory Motions to Lok Sabha for concurrence.

INTERVENTIONS BY MINISTERS IN THE HOUSE

Rule 2(1) of the Rules of Procedure and Conduct of Business in the Council of States has defined Minister as "Minister" means a Member of the Council of Ministers, a Minister of State, a Deputy Minister, or a Parliamentary Secretary. Article 88 of the Constitution of India provides that every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any Committee of Parliament of which he may be named a Member, but shall not by virtue of this article be entitled to vote.

Rule 18 of the Rules of Procedure and Conduct of Business in the Council of States provides for Government's right of reply on the conclusion of debate or discussion in the House through the intervention of any Minister including the Prime Minister. This rule prescribes: "The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall, on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion."

Participation and intervention by a Minister in the proceedings of the Houses is governed by the rules as stated above. Accordingly, every Minister has a right to participate in the proceedings of both the Houses of Parliament but he/she cannot vote in the House of which he/she is not a Member. Generally, the Chair receives prior intimation about the name of a Minister who wishes to participate in the important discussions in the House, such as on the Budget, Motion of Thanks on the President's Address, short Duration Discussion, etc.

There have been numerous instances in the Rajya Sabha when a Minister had participated during discussions on Budget, Motion of Thanks on the President's Address, Bills, Short Duration Discussion, etc. The Chair has given several rulings to the effect that presence of a Cabinet Minister or senior Minister is essential in such situations to underscore the responsibility of the Government to the House.

On the 25 January 1980, when Shri P. Vekatasubbaiah, Minister of State in the Ministry of Home Affairs and a Member of Lok Sabha, wanted to raise a point of order in the Rajya Sabha, an objection was made by Shri A.G. Kulkarni and Shri S.W. Dhabe, in view of the rule 258, which gave right only to a Member of the House to raise a point of order. The Chairman, Shri M. Hidayatullah, observed that while the rules enable a Member of the Council of States to raise a point of order, there is the super law, namely, the Constitution, article 88 of which provides that every Minister and Attorney-General of India shall have the right to speak in and otherwise to take part in the proceedings of either House. He then referred to the earlier instance when the Chairman had ruled that when a Minister is in the House he will be entitled to raise a point of order. Therefore, he ruled that a Minister, even if he is not a Member of the House, can raise a point of order in the Council of State.

Propriety demands that a Minister, who wish to participate or intervene in the debate, should inform the Presiding Officer, in advance, and should speak only when his/her name is called. However, during the currency of a debate on any Bill, Motion, Resolution or any other discussion, if any Minister feels that there is a need to clarify the position, he/she can explain the position of the Government, whether or not he/she has previously intimated the Chair of his/her intention to speak on the issue, but should not interrupt the Member who has already been identified by the Chair and is taking part in the proceedings. It is the duty of the Members of the House as well as of Ministers to maintain the dignity and decorum of the House by restraining themselves from interrupting the proceedings of the House.

CONCLUSION

Parliament is a multi-functional institution. It performs the important functions of legislation, oversight of the executive and articulation of the public grievances and their redressal. As a deliberative body, it needs rules to regulate its business. The rules of procedure of Parliament are based on the practices, standing orders, rulings from the Chair as also the constitutional provisions. They provide the framework for smooth and orderly functioning of Parliament and define how a collective decision on matters before the Parliament is reached. The Presiding Officers of Parliament play an important role in enforcing and interpreting the rules of procedure while giving every section of the House an opportunity to participate effectively in the debates and discussions in Parliament. As the Parliament is the forum where very often the profound disagreements and divergent viewpoints on issues of policies and principles are discussed and decided, the Parliamentary procedures provide means for addressing issues raised for taking decision by the House and striking a balance between the will of the majority, *i.e.* Government of the day, and the arguments of the minority. It is rightly said that the principle underlying parliamentary procedure is that the minority should have its say and the majority should have its way. The Parliamentary procedures have to protect the rights of the Opposition parties as well as individual Members. Therefore, the parliamentary rules of procedure need to be robust, consistent and clear.

Rajya Sabha, the Upper House of Indian Parliament, has put in place a robust system of rules and procedures combined with practices and precedents which enable the Members to initiate the debates and discussions on diverse issues on the floor of the House. These affirm the role of the Rajya Sabha as a deliberative Chamber. As mentioned elsewhere, several procedural devices such as Short Duration Discussion, Calling Attention, Half-an-hour Discussion, Motion of Thanks on President's Address, etc., serve this purpose. Besides, there are adequate opportunities available to Members to initiate discussion when Budget (General) and Budget (Railways) are debated in the House. On other occasions, when the House discusses Government and Private Members' Bills and Private Members' Resolutions, Members also have enough scope to initiate and intervene in the discussion. Debates and discussion, thus, bring out the collective wisdom of the House which impacts the Government thinking and policies and influences the civil society and nation at large. The debates and discussions in the House assume importance in the context of the formidable challenges of development and governance faced by the country while meeting the hopes and aspirations of the people.

Given the enormous importance of debates and discussions, it is imperative that the debates are properly initiated. The Member, whose notice is admitted for initiating a particular discussion, makes a statement delineating the purpose of raising the discussion, which sets the tone and tenor of discussion that follows. The contour and the content of the debate are largely determined by the way in which the Member who initiates, leads the discussion, enabling other Members permitted by the Chairman to reflect on the subject of discussion. Therefore, in the rules and procedures governing different modes of discussion, due importance has been accorded to procedures for initiating the debates and discussions.

REFERENCES

1. *Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha)*, Seventh Edition, Rajya Sabha Secretariat, New Delhi, July 2010.
2. *Rajya Sabha at Work*, Rajya Sabha Secretariat, New Delhi, 2006.
3. *Parliament in the Modern World*, by Philip Laundy, Dartmouth Publishing Company Limited, Gower House, Aldershot, Hamshire, England.
4. *Constituent Assembly Debates*.

ANNEXURE - I

**RAJYA SABHA
CALLING ATTENTION NOTICE**

The.....20.....

FROM:

_____ M.P.

TO

THE SECRETARY-GENERAL,
RAJYA SABHA,
NEW DELHI.

Sir,

Under rule 180 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I hereby give notice of my intention to call the attention of the Minister of.....onto the following matter of urgent public importance and to request that the Minister may make a statement thereon.

Yours faithfully,

Member, Rajya Sabha.

Division No.....

Copy to:

(1) The Minister of.....

(2) The Minister of Parliamentary Affairs

ANNEXURE-II

RAJYA SABHA

CALLING ATTENTION RENEWAL NOTICE

Date.....

FROM:

_____, M.P.

TO

THE SECRETARY-GENERAL,
RAJYA SABHA,
NEW DELHI.

Sir,

I request that the Calling Attention Notice on the subject mentioned below may be renewed for the next week commencing on.....

Subject:

Yours faithfully,

Member, Rajya Sabha.

Division No.....

ANNEXURE-III
(Form RSL:2)

RAJYA SABHA
NOTICE FOR SHORT DURATION DISCUSSION

The.....20.....

FROM

_____, M.P.

TO

THE SECRETARY-GENERAL,
RAJYA SABHA,
NEW DELHI.

Sir,

Under rule 176 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I hereby give notice of my intention to raise a discussion for short duration of the following matter of urgent public importance:—

An explanatory note stating the reasons for raising the discussion is appended overleaf.

Yours faithfully,

Member, Rajya Sabha.

Division No.....

Supported by:—

(1)..... Division No.....
Signature

(2)..... Division No.....
Signature

EXPLANATORY NOTE

ANNEXURE-IV

RAJYA SABHA
NOTICE OF HALF-AN-HOUR DISCUSSION

The.....20.....

FROM

Shri/Shrimati..... M.P.

To

THE SECRETARY-GENERAL,
RAJYA SABHA,
NEW DELHI.

Sir,

Under rule 60(2) of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I hereby give notice of my intention to raise Half-an-hour Discussion on the points arising out of the answers given to Starred/Unstarred/Short Notice Question No.....in the Rajya Sabha on the.....20.....

I wish to raise the following point/points during the discussion:—

- (1)
- (2)
- (3)

I request that permission may be given to raise the discussion on.....20..... An explanatory note stating the reasons for raising the Half-an-hour Discussion is appended overleaf.

Yours faithfully,

Member
Division No.....

Supported by:—

(1).....
Signature

Division No.....

(2).....
Signature

Division No.....

EXPLANATORY NOTE